



# FERRIS STATE UNIVERSITY

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**FERRIS FORWARD**

2023-2024 BIENNIAL REVIEW



## INTRODUCTION

In response to the 1989 Drug Free Schools and Communities Act, including the Drug Free Schools and Campuses Regulations, Ferris State University has implemented a diverse cross-section of programs focusing on providing education, prevention, and treatment concerning alcohol and other drug prevention, as well as use and abuse for students, staff, and faculty.

A review of these initiatives is conducted every other year by contacting each entity involved in the process of updating the information, exploring possible future endeavors, evaluating goal attainment, and recognizing each program's strengths and limitations to ascertain further improvement. Through this endeavor, we believe that our alcohol and other drug (AOD) prevention programs continue to be robust and effective. Additionally, a review of the Office of Student Conduct process determined that the disciplinary sanctions for alcohol and drug violations were being consistently enforced by our conduct case managers.

The University's efforts include the following components:

- annual written notification of AOD programs, policies, laws, sanctions, and statistics,
- awareness, education, and other prevention-oriented activities,
- early intervention and lower risk AOD abuse assessment and treatment intervention,
- referrals for higher risk AOD treatment, when indicated, and
- environmental change efforts aimed at preventing substance abuse and encouraging healthier alternatives.

The Ferris State University alcohol and other drug prevention programs support the University's core values by providing information to students, staff, and faculty that promote healthy lifestyle choices, professional development, as well as personal and academic growth.

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## DEPARTMENTS RESPONSIBLE FOR BIENNIAL REVIEW

The Birkam Health Center, Personal Counseling Center, Office of Student Conduct, Department of Public Safety, Ferris State University Seminar Program, Housing and Residence Life, the Dean of Student Life Office, Center for Leadership, Activities, and Career Services and the Ten16 Recovery Network are the departments primarily responsible for the content of the Biennial Report.

## ANNUAL NOTIFICATION POLICY

### PROCEDURES FOR DISTRIBUTING THE AOD POLICY

At the beginning of the fall, spring, and summer semesters, the University's Statement Supporting Drug-Free Schools and Community Act is distributed electronically to each student and faculty/staff member. The statement is sent in its entirety through via email to all enrolled students, faculty, and staff. The statement focuses on University values, health concerns and risks, available resources, standards of conduct, legal sanctions, and State of Michigan laws. Copies of the statement are available online through the Ferris State University Office of Student Conduct website.

## ALCOHOL AND OTHER DRUG PREVENTION PROGRAMS

### CENTER FOR STUDENT INVOLVEMENT (CSI)

*Nicholas Campau, Associate Dean of Student Life*

#### **Training for Intervention Procedures (TIPS) for the University Training:**

Suggestions concerning safe drinking practices, how to responsibly host parties, and how to intervene in a situation where someone has overindulged are provided each semester to all students. Instruction is free to all students unless sanctioned by the Office of Student Conduct or CSI. Students are certified for 3 years upon completing a twenty-question quiz at the end of the program in which they must attain 80% accuracy. In order for a student organization to host an event with alcohol they must have sober monitors who are TIPS certified and maintain a ratio of 1 sober monitor for every 15 guests on the guest list.

#### **Educational and Alternative Events:**

Throughout each semester many activities are scheduled to encourage participation in healthy, non-alcoholic entertainment. Intentional alcohol-free social activities are planned during typical high alcohol consumption activities may take place such as Halloween, St. Patrick's Day, end of Spring semester weekend, and Homecoming. In addition, educational speakers are provided to present on a variety of health and wellness topics such as alcohol abuse, nutrition, dating/relationships, and sexual health. Wellness Wednesdays, implemented Fall 2015, brings intrusive and interactive programming to students who walk through the David L. Eisler Center. Topics are on a variety of health and wellness issues, including alcohol and other drugs. CSI produces a weekly newsletter called Bulldog Weekends, where substance free activities over the weekend are shared.

#### **Collaborative Partnerships:**

As the hub of student activities communication, CSI works throughout the year with campus departments and initiatives to advertise their wellness activities through event postings in Bulldog Connect, sharing information through social media, and sending informational emails to student organization members. CSI collaborates with local taxi companies to provide a directory to local establishments and students to ensure a safe ride home.

#### **Greek Life:**

Fraternity and sorority members receive risk management educational instruction concerning responsible behavior, in addition to expectations regarding drinking and hazing practices. A hazing hotline and online incident report form have been established and new members are strongly encouraged to utilize these services. Each chapter is expected to register all events with alcohol. Stringent rules are stipulated through a University Student Organization Events with Alcohol policy and each organization is responsible for enforcing compliance. Non-compliance could result in a fraternity or sorority undergoing the student organization conduct process.

#### **Current Biennial Review Goal:**

- CSI would like to move away from TIPS for the College Student and develop an internal sober monitor training tailored to our campus. We anticipate a new training including bystander education, University policy, event risk management and response, as well as cannabis.

**Review of Previous Biennial Review Goals:**

- Find effective ways to encourage organizations to host social events that don't include the consumption of alcohol.
  - Greek lettered organizations are now registering dry events in addition to events with alcohol.
- Enhance our collaboration and partnership with Housing and Residence Life to offer weekend programming that is attractive to students.
  - CSI attempted weekend programming in a variety of means and options. Student participation was incredibly low forcing the office to discontinue weekend program and invest into other events.

## PERSONAL COUNSELING CENTER

*Andrew Slater, Director of the Personal Counseling Center and Anti-Violence Prevention*

### **Outreach**

The Personal Counseling Center provides interviews to the school newspaper, The Torch, and to The Pioneer when requested. Members of our staff serve on various campus committees that aim to address drug and alcohol issues on campus including the Alcohol and Other Drug Task Force. We also provide programing support to the Collegiate Recovery Education and Wellness (CREW) when they would like to have experts speak on the mental health implications of drug and alcohol misuse.

### **Current Biennial Review Goal:**

- Ten16 has implemented a collegiate recovery program Ferris State University called the CREW program (Collegiate Recovery Education and Wellness). This program not only provides referrals for substance misuse treatment, but also offers substance misuse assessments, sober coaching, and student support groups led by a substance misuse specialist. Ferris State CREW (FS/CREW) has since taken over all substance misuse programing and treatment/referrals. The Personal Counseling Center has continued to have a positive supportive relationship with FS/CREW. Our offices have collaborated on programing and professional development in the past and will continue to do so moving forward.

### **Review of Previous Biennial Review Goal:**

- Continue and maintain a strong mutually supportive relationship with FS/CREW and the PCC
  - We have a strong supportive relationship with the program offering support for programing, referrals, and consultation.

## ENROLLMENT SERVICES

*Kathy Lake, Associate Dean of Enrollment Services*

### **Incoming Freshmen and Transfer Students:**

All incoming freshmen and transfer students at Ferris State University are required to attend an orientation session. During a mandatory welcome presentation, information concerning the university's alcohol and other drug policy, as well as available resources, are discussed. The location of the student conduct materials and the code of student community standards are discussed, as well as general expectations of our Ferris students.

### **Current Biennial Review Goal:**

- Enrollment Services is looking to partner closer with our Collegiate Recovery, Education, and Wellness (CREW) program to engage more with incoming students about alcohol and drug prevention as well as support students in the recovery process.

### **Review of Previous Biennial Review Goal:**

- Enrollment Services has enhanced the online orientation platform for all incoming students. This platform includes several topics including information on alcohol and drug consumption, risks to consumption and standards of conduct.



## FSU DEPARTMENT OF PUBLIC SAFETY (DPS)

*Timothy Jacobs, Assistant Director/Captain Department of Public Safety*

### **Fatal Vision Goggles/Marijuana Goggles:**

Regularly scheduled demonstrations encompassing the use of fatal vision goggles, or more commonly referred to as beer and marijuana goggles, are conducted on campus each semester. The department uses marijuana goggles which simulate the effects of consuming THC laced products. Students are given the opportunity to participate in a simulated, alcohol impaired/driving while high experience. The demonstrations involve maneuvering around a predetermined course, operating either a golf cart or a tricycle, while wearing optically altered goggles. The goggles mimic different levels of intoxication or impairment. These simulated drunk/impaired-driving scenarios are presented to demonstrate the effects that alcohol or marijuana has on a person's physiological health reactions, impaired judgment, and/or their behavior. Upon completion of the driving experience and while still donning the beer/marijuana goggles, the students participate in a dexterity determination evaluation. Three to four demonstrations are held each semester in the centrally located intramural field. This is an interactive program.

### **Residence Hall Involvement:**

Educational materials are presented, and discussions are conducted concerning alcohol and its effects at each residence hall. Demonstrations involving fatal vision goggles can be requested by the Resident Assistant and are generally attended by approximately 25 students. Topics include nuisance violations, minors in possession of intoxicants and now marijuana offenses, laws pertaining to drunk/impaired driving, responsible drinking practices, and appropriate party planning. Special mention is made that parental notification occurs after a student's 2nd MIP of intoxicants is reported. Each officer on the department is assigned to a residence hall for a one hour shift each week to provide opportunities for interaction with the students, and to assist with educational programming or problem solving.

### **Educational Materials and Presentations:**

A variety of informative material is available to residence halls and FSU seminar classes through the FSU Department of Public Safety. These include but are not limited to:

- Alcohol and You:
  - Provides statistics, laws, the number of arrests, and possible consequences incurred if irresponsible behavior is observed. This power point presentation is offered approximately twice a year.
- Minors in Possession (MIP):
  - Provides facts concerning the physiological and cognitive effects of alcohol plus other facts about alcohol consumption. Discussion covers statistics, laws, and consequences.
- Drinking and Driving:
  - Education and awareness are the key focus points of this presentation, as well as the consequences and serious effects of driving while under the influence.
- Drugs and Consequences
  - The message that drugs can be dangerous is conveyed, and the legal and health consequences of using certain controlled substances are explained.
- Rape Prevention
  - Rape, aggression, and defense (RAD) information and instruction are provided. Students are taught through this interactive presentation the techniques of self-defense and signs of aggression they need to be aware of.

- All things safety program speaks upon situational awareness, social media precautions, buddy systems as well educating students on programs already in existence such as our escort service and blue light phones.
- Safe Campus
  - Officers speak with students about everything that will help them, and their friends keep safe on campus. Discussions highlight resources available such as safe ride, safe walk, and Blue Light/911 phones. Representatives talk about knowing where you are when you go out for the night and the importance of not leaving a friend behind.

#### **Crime Prevention:**

Alcohol and other drug use are monitored on a consistent basis by the DPS with statistics reflected in an annual report published at the end of the academic year. Individuals wishing to report a crime or incident are encouraged to utilize the *bulldog text tip* to convey information. Those wanting to remain anonymous can be assured that their identity and privacy will be protected. To address substance abuse, DPS actively patrols known locations for distribution of illicit substances used in the treatment of ADHD and pain management to circumvent their ease of availability. Statistical comparisons from year to year show significant drops in crime for all categories.

Members of DPS have been selected to participate in the Opiate Crisis on Campus Committee.

#### **Opioid Antagonist:**

To save lives and combat the effects of opioid abuse on campus, DPS has acquired an Opioid Antagonist, Naloxone HCl (NARCAN). Each officer has received training in identifying persons suffering from the effects of opioid abuse as well as the proper care and administration of the antagonist. NARCAN is carried with officers, in their medical bags, while they are on duty. Continued training for Officer's.

#### **Partnership with Hope Not handcuffs:**

This program is designed to assist people with addictions and help them get counseling without fear of criminal prosecution. The program connects the person from Police to social workers to substance abuse counseling. All Officer's took the two-hour training to complete the course. This is a multi-agency wide program.

#### **Communication:**

The FSU Department of Public Safety maintains open communication and encourages interaction with local law enforcement agencies in their efforts to provide a safe environment on campus. Weekly conversations are scheduled between the department and local police to discuss current difficulties, trends, and potential solutions. The department's detective sergeant meets with each hall director weekly to discuss difficulties, trends, and possible solutions.

FSU Public Safety and FSU partners have met with all the local off campus student apartment managers and are working on ways to assist in educating our students and getting them information they will need to get them resources and assistance if needed. We have met several times this past year at both locations.

#### **Discipline:**

Disciplinary measures are equitable and consistent. If a student is arrested or ticketed for an offense, they are automatically referred to the Office of Student Conduct. Discretion can be exercised by the interceding officer, if the violation is minor, with the Office of Student Conduct given sole responsibility

for handling the situation; thereby avoiding a legal consequence for the student. If a student cooperates with law enforcement regarding more serious offenses and provides information that would not normally be obtained, such as in the case of drug trafficking, DPS will refer the student to the Central Michigan Enforcement Team (CMET) and/or suggest cooperating with another entity that would be involved in that particular situation.

**Current Biennial Review Goals:**

- Streamline resources offered by different campus organizations as well as partner with our local organizations.
- Partner with other areas on campus to provide ongoing awareness of alcohol and drug effects and health risks.
- Request student input on what educational programs they would like to see done in the resident halls and in the classroom.
- Expand the RAD program by adding two additional instructors.

**Review of Previous Biennial Review Goal:**

- We plan to continue to expand efforts to provide RAD education and training to the faculty, students, and staff of the university including the faculty, students, and staff of Kendall College.
  - RAD classes were offered during the Spring and Fall 2023 semesters.

## HUMAN RESOURCES

*Scott Winkle, FS/CREW Site Coordinator*

### **Employee Assistance Program**

The University contracts with Ulliance Life Advisors to provide 24/7 free counseling and coaching to all employees. Included in this service is the availability of substance abuse disorder screening, counseling, and recovery coaching. These services are available in a variety of formats that best suits the employee's needs.

### **Enforcement of University Policy**

Human Resources consults on a variety of employee concerns that may arise including alleged and/or founded violations of the University policy on alcohol and other drugs. Enforcement may include personal improvement plans/PIPs or mandated counseling with the Employee Assistance Program that are focused to address concerns and set employees up for success.

### **Current Biennial Review Goal:**

- Human Resources will continue to work with Ulliance to provide additional support to the Ferris State University community.

### **Review of Previous Biennial Review Goal:**

- Human Resources has worked with Ulliance to provide information and resources to employees. Specifically, nine emails to the entire Ferris State University community were sent providing Ulliance's alcohol and other drug resource information. Additionally, Human Resources provided 10-20 days of quick 2-minute lessons on demand highlighting facts about alcohol and other drugs as well as utilizing Healthy Habits, a personal challenge system where participants earn points for engaging in healthy habits related to alcohol and other drugs.

## FERRIS STATE UNIVERSITY SEMINAR PROGRAM

*Shelly VandePanne, Coordinator of First-Year Seminars*

### **Incoming Freshmen:**

All first-year students at Ferris State University are required to complete an FSU Seminar course (FSUS 100) to assist in their transition to college and Ferris. Through active participation in the course, students will be introduced to a variety of topics including campus safety and wellness issues that directly impact their health and safety.

The FSUS course interjects a diverse array of educational material, events, and activities to approach the topics of alcohol and substance use, personal responsibility and consensual relationships, and campus safety. Students are required to attend “Relationships, Respect and Resources” presented in collaboration with Ferris’ Title IV office and Personal Counseling center. Approximately 1120 students were in attendance for this event in the fall semester. In collaboration with FSU’s Department of Public Safety, campus safety and active shooter training has also been promoted through FSUS courses. In addition, students are given access to a variety of websites with health and wellness information including [You@ferris.edu](mailto:You@ferris.edu)

### **Current Biennial Review Goal:**

- Continue to support the University’s Title initiatives.

## HOUSING AND RESIDENTIAL LIFE

*Lisa Ortiz, Director of Housing and Residence Life*

### **Alcohol and Other Drug Education:**

Housing and Residence Life provides alternative to alcohol programs. The communities worked to provide interactive programming throughout the year. These programs are social and allows students to have the opportunity to have opportunities to engage without alcohol present.

Housing and Residence Life also provides educational programming about alcohol, consequences, and decision making.

### **Disciplinary Measures:**

AOD and Other Drug enforcement is accomplished through the assignment of personnel at the front desk round-the-clock. A patrol of each residence hall is performed by designated students between 2:00 and 5:00 A.M. to circumvent any negative situations. A residence assistant is on active duty each Thursday and Sunday until midnight, and Fridays and Saturdays until 2:00 A.M. Intervention initially involves informal direct conversation with a student who has made poor choices then proceeds to a more direct interaction, if warranted.

Consequences are consistent, fair, and equal. The department of public safety is automatically contacted when a student has exhibited high-risk behavior related to alcohol or other drug use. The creation of posters, participation in various programs, composition of reflective papers, and conducting of research projects are assigned as disciplinary options to encourage better choices.

### **Current Biennial Review Goals:**

- Continue to Provide AOD education to students and provide alternative programming on weekends to deter drinking.
- Provide larger scale training for student staff on alcohol and other drugs.
- Reflect the current needs of students as they are facing decisions regarding alcohol.

### **Review of Previous Biennial Review Goals:**

- Increased AOD education to students and provide alternative programming on weekends to deter drinking.
- Increased face to face programming as COVID-19 changes the work that we do.

## COLLEGIATE RECOVERY, EDUCATION AND WELLNESS (FS/CREW) PROGRAM

*Scott Winkle, FS/CREW Site Coordinator*

### **Ten16 Recovery Network**

Ten16 Recovery Network is in partnership with Ferris State University to provide prevention and early intervention programming to students. These efforts include evaluations, check-ins and AOD Wellness programming, using evidence-based tools and curriculum.

### **Medication and Needle Take Back**

12 events total through both counties during the year. Ten 16 is also paired up with the Police Departments in both counties to collect and dispose of medications, where 3,000 lbs. of drugs and 546 lbs. of needles were collected at these events and drop boxes throughout the year.

### **Sober Social Events**

Examples of events that have been initiated are Campus Cruse with CREW, Gilberts Carpet Recovery get together, Big Rapids Farmers Market and Petting Zoo, movies in the park, and bowling for recovery in Evart.

Events coming include CREW Halloween Party, CREW Ice Cream Social, CREW thanksgiving, and CREW Tailgating.

### **Prime For Life®**

Prime For Life® is an evidence-based motivational prevention, intervention and pretreatment program specifically designed for people who might be making high-risk choices. This includes but is not limited to impaired driving offenders, college students, and young people charged with alcohol and/or drug offenses. It is designed to change drinking and drug use behaviors by changing beliefs, attitudes, risk perceptions, motivations, and the knowledge of how to reduce their risk of alcohol and drug related problems throughout their lives. Because Prime For Life® includes both prevention and intervention content; it is also designed in a way that serves universal, selective, and indicated audiences with program delivery options for each.

### **Class Presentations**

Ten16 Recovery Network provides presentations to classrooms during the year on a variety of topics. These presentations are designed to increase student awareness of high-risk alcohol and other drug misuse, increase understanding on substance use disorders and recovery, and reduce stigma in an effort to increase help-seeking behaviors.

### **Bulldogs Recovery Group**

Bulldogs Recovery is a peer recovery group led by Ferris CREW site coordinator, working with Ferris students who identify as a student in recovery. Bulldogs Recover focuses on group topics, victories, and challenges in recovery in the higher education world.

### **Current Biennial Report Goals:**

- Growing the recovery community here at Ferris, by continuing to offer a judgment free, educational space for students to grow.
- Offering more opportunities for students to get involved and offering more sober events.
- Work with Local Substance Use Awareness Collation to elevate the Prevention efforts of campus.

- Continue to develop incentives for students to stay engaged in a recovery community and maintain their alcohol and drug abstinence.
- Continues to develop a robust and student lead recovery community to help those students working on their education while in recovery.

**Previous Biennial Report Goals:**

- Growing the recovery community here at Ferris, by continuing to offer a judgment free, educational space for students to grow.
  - CREW completed this through group meetings, sober socials, tabling, presentations, CREW Required check ins, and through spreading awareness.
- Offering more opportunities for students to get involved and offering more sober events.
  - CREW completed this by tabling events at least once a month, offering sober socials once a month, and working with students who were looking to volunteer.



## OFFICE OF STUDENT CONDUCT

*Becca Brumels, Director of Student Conduct*

### **Alcohol and Drug Policy Enforcement Consistency**

In accordance with Ferris State University Board of Trustees policy sec. 5-206 and 5-207:

The University shall establish and set forth in a Code of Student Community Standards a comprehensive approach to dealing with issues related to alcohol and other drugs, which shall pertain to all activities on university property, university sponsored activities, and to off-campus activities (social or otherwise) sponsored by students, organizations, or individuals associated with the university.

The University's Division of Student Affairs shall be responsible for establishing, maintaining, and administering a code of student community standards, which shall include policies, principles, and procedures regarding student rights, misconduct, victim's rights, policies on alcohol and other drugs, judicial procedures, and other policies and procedures regarding student rights and responsibilities. The code of student community standards shall be issued by the Vice President for Student Affairs and approved by the President.

The Office of Student Conduct is charged with the enforcement and adjudication of alleged violations of the Code of Student Community Standards. Students are afforded due process through conduct procedures that are managed consistently, fairly, and equitably. The conduct process affords specific rights to both the accused student and the complainant. The conduct process seeks to provide for the safety of all students while also allowing room for education and growth, whenever appropriate.

The Director of Student Conduct and/or their designee serving as a conduct case manager has a variety of options for sanctioning resulting from a determination of responsibility in a conduct case. A conduct case manager will impose, in almost all circumstances, both an administrative sanction and an educational sanction. The administrative sanction may range from an administrative warning to suspension or dismissal from the university. Additionally, in between those is the option for disciplinary probation which serves as a period of observation and review.

In addition to the administrative sanction, the conduct case manager will often apply an educational sanction such as, FS/CREW Check-In, AOD Wellness Program, or Prime For Life participation, for alcohol or drug-related conduct concerns. All of the University's AOD sanctions are in-person connections with our FS/CREW Site Coordinator and customized to the student's needs. Additionally, for students who are under the age of 21, a parental notification letter is sent home. Parental notification letters, in accordance with FERPA, allow for the University to notify a parent/guardian that a student has violated one of the University's policies regarding alcohol and/or drugs. Other educational options include written reflections, community education posters, required meetings with campus staff/faculty, parental notification (for alcohol and drugs), housing transfer/removal, etc. The goal of the educational sanction is to match the behavior with an opportunity to learn while maintaining the safety and learning environment for the university community.

To ensure consistent enforcement, the Office of Student Conduct provides all conduct case managers with annual training on the baseline sanctions guide for alcohol and drug violations, a copy of which is included in the appendix of this report.

**Amnesty Policies**

The Code of Student Community Standards has two amnesty policies related to alcohol and drug usage. The first is for witnesses and complainants of crimes, allowing them to come forward without a fear of being charged with an alcohol or drug policy violation. The second is for students seeking assistance with medical emergencies. The amnesty for medical emergencies is broadly extended to those around the person in the emergency, with the emphasis on providing support, not disciplining bystanders during an emergency.

**Current Biennial Review Goals:**

- Enhance communication and outreach efforts to raise awareness of alcohol and drug policies, resources, and support services available to students, with a focus on promoting help-seeking behaviors and reducing stigma.
- Conduct a comprehensive review of current alcohol and drug policies, procedures, and prevention programs to ensure compliance with federal and state regulations, as well as institutional standards.

**Review of Previous Biennial Review Goals:**

- Develop qualitative and quantitative methods to assess AOD educational programs and parental notification letters.
  - OSC worked towards these efforts by creating a survey for students to provide information regarding their substance use before and after the AOD educational programs and any feedback they have for the programs. Additional work is needed to gather qualitative and quantitative data on parental notification letters.
- Develop an amnesty policy for registered student organization misconduct.
  - OSC has partnered with the Center for Student Involvement and their Greek Life Coordinator to draft an amnesty policy for registered student organization misconduct. It will be effective for the Fall 2024 semester.

## ALCOHOL AND DRUG POLICIES RELATING TO STUDENTS

### 2023-2024 CODE OF STUDENT COMMUNITY STANDARDS

#### Personal Misconduct On or Off Campus

##### Section IV, Part B

##### 15. Intoxication/Excessive Consumption of Alcohol

Intoxication is defined as being under the influence of alcohol or other drugs, regardless of age, where such behavior causes a disturbance or other concern to the university.

##### 29. Unauthorized Possession/Use or Distribution of Alcoholic Beverages

The use or possession of alcoholic beverages is prohibited by Ferris State University when the following applies:

- a. *Contrary to Law*: On or off University property, or in the course of a University activity or student organization activity, when the possession or use is contrary to law and/or University policy.
- b. *Creates Danger*: On or off University property, when possession or use creates a danger to self or others, including, but not limited to, driving while under the influence of alcohol.
- c. *Supplying to Minors*: The sale, gift, or transfer of alcohol to minors. Or where a party is hosted where underage consumption occurs.
- d. *In Public/Unauthorized area*: In or on any property of the University frequented by the public, except in areas specifically designated by the President of the University.

##### 30. Unauthorized Possession or Use of Illegal Drugs, Cannabis, Controlled Substances and/or Misuse of Over-the-counter substances (real or implied)

The term “controlled substance” is defined by Federal and Michigan law, and includes, but is not limited to, substances such as cannabis, cocaine, narcotics, certain stimulants and depressants, and hallucinogens. The following actions are prohibited by Ferris State University:

*Recreational and Medical Cannabis*: The Michigan Regulation and Taxation of Marihuana Act and Michigan Medical Marijuana Act conflicts with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. The state constitutional amendment authorizing individuals over the age of 21 to recreationally use cannabis (“Proposal 1”) does not change this prohibition or authorize a student to use cannabis. Federal law, including the Drug Free Schools Act, continues to prohibit cannabis. Thus, cannabis use and possession, even if in compliance with Proposal 1, is prohibited.

- a. *Contrary to Law*: Use or possession of any drug, controlled substance (including cannabis and products containing THC), or drug paraphernalia on or off University property or in the course of a University activity or student organization activity, contrary to law or without a valid and legal prescription for such drugs or controlled substances.
- b. *Cannabis and Drug Accessories*: Paraphernalia means any equipment, product, material, or combination of equipment, products, or materials, which is designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing cannabis into the human body.
- c. *Creates Danger*: On or off University property, when possession or use creates a danger to self or others, including, but not limited to, driving while under the influence of drugs, cannabis, THC based products, or controlled substance that impair one’s ability to operate a motor vehicle.

- d. *Use of Facilities*: Use of University facilities to manufacture, process, or distribute any drugs, cannabis, THC based products, or controlled substance contrary to law.
- e. *Distribution*: Sale, attempted sale, gift, transfer, or attempted transfer of drugs, cannabis, THC based products, controlled substances, or drug paraphernalia, whether or not such sale, gift, or transfer occurs on or off University property or in the course of a University activity or student organization activity.
- f. *Manufacture*: Possession, production, manufacture, or use of any substance that is used as a drug on or off University property.
- g. *Prescription Misuse*: Abuse or misuse of any prescription drug, the unauthorized possession of prescription medication or the sale or attempted sale of a prescription drug.

## **Housing and Residence Life Policies**

### Section IV, Part C

#### 5. Alcohol Policy

In order to support legal and responsible drinking habits, the use or possession of alcoholic beverages is defined in the following areas:

- a. Consumption of alcohol may only occur in a living space where ALL residents present are 21 years of age or older and ALL guests present are also 21 years of age or older.
- b. Consumption of alcohol is allowed in the shared living space in apartments, suites, and Cramer Hall rooms when the resident who is drinking is 21 years of age or older.
- c. Students under the age of 21 may not be present in a residence hall room or common space where alcohol is present or being consumed.
- d. Residents under the age of 21 may not possess or display empty alcohol containers. Empty containers may be considered evidence of possession, consumption, or both.
- e. Under no circumstances are kegs or other types of “common sources” of alcohol allowed in University housing regardless of age.
- f. Drinking games are prohibited in University housing. Games, such as beer pong, are prohibited regardless of what is being consumed (i.e. water, soda, etc.).

#### 12. Illegal Drugs, Cannabis and Controlled Substances

In addition to other policies listed in the Code of Student Community Standards, the following policies apply to Residence Halls, West Campus Apartments, and East Campus Suites.

- a. *Present*: Students may not be present in University housing where illegal drugs, cannabis, THC based products, or controlled substances are present or being used.
- b. *Accessories and Paraphernalia*: Cannabis accessories and paraphernalia means any equipment, product, material, or combination of equipment, products, or materials, which is designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing cannabis into the human body.

## ALCOHOL POLICIES RELATING TO EMPLOYEES



### FERRIS STATE UNIVERSITY HUMAN RESOURCES

HR Related Policies & Procedures  
Effective Date: October 22, 2004

FSU-HRPP 2005:50

### Alcohol and Other Drug Use

#### COVERED EMPLOYEES

- All employees.

#### BOT POLICY

**Sec. 8-501. Statement of Principles.** Consistent with State and federal law, the University will maintain a workplace free from the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, as defined under the Controlled Substances Act.

**Sec. 8-502. Prohibition of the Unlawful Manufacture, Distribution, Dispensation, Possession or Use of Drugs or Narcotics.** The unlawful manufacture, distribution, dispensation, possession or use of drugs or narcotics is prohibited on any property under the control of and governed by the Board, and at any site where work is performed by individuals on behalf of the University.

**Sec. 8-503. Disciplinary Action.** Pursuant to applicable University procedures governing employee discipline, any employee involved in the unauthorized use, sale, manufacturing, dispensing or possession of legal or illegal drugs or narcotics on University premises or work sites, or working under the influence of such substances, will be subject to disciplinary action up to and including dismissal.

**Sec. 8-504. Requirement of Notification Regarding Criminal Drug Statute Conviction.** An employee who is convicted under any criminal drug statute for a violation occurring in the workplace must notify the University no later than five (5) days after such conviction. Failure to provide such notice will subject the employee to dismissal. The employee shall notify his/her immediate supervisor, who will report the incident to the Office of Human Resource Development.

**Sec. 8-505. Prevention of Substance Abuse.** The University supports programs aimed at the prevention of substance abuse by University employees. The University shall make its counselors available to University employees who have problems relating to substance abuse. Such counseling is confidential, to the extent permitted by law,

(1)

October 22, 2004

and unrelated to performance appraisals. Leaves of absence to obtain treatment may be obtained under the sick leave or medical leave provisions of the appropriate labor contract or policy.

**Sec. 8-506. Implementation of this Subpart.** The President is authorized and directed to immediately implement this subpart and to take such other action as may be required to comply with the Drug-Free Workplace Act of 1988 and administrative rules issued pursuant to that act. The University's Department of Human Resources shall be responsible for administering policies and procedures governing this subpart. Such policies and procedures shall be issued by the Vice President for Administration and Finance and approved by the President.

**Sec. 8-507. Applicability of this Subpart.** This subpart applies to all University employees, including but not limited to faculty, academic staff, support staff and student employees.

#### **HR PROCEDURES/DESCRIPTION/DEFINITIONS**

I. The purpose of this procedure is to communicate a comprehensive approach to dealing with issues related to alcohol and other drugs. The foundation for this procedure is based upon the following University community member expectations:

- (A) To support the academic mission of the University;
- (B) To support education as the primary route to personal development, professional productivity, economic success, and social contribution;
- (C) To provide a safe, supportive, and stimulating learning environment;
- (D) To provide a service to, and involvement with, the community, the state, the nation, and the world.

Every member of the Ferris community (students and employees alike) must be committed to:

- (A) Behave ethically – to be honest, forthright, loyal, trustworthy, and compassionate;
- (B) Act civilly – to treat everyone with respect and courtesy; to resolve disputes openly and without rancor;
- (C) Be productive – to fully engage each person's intelligence, talents, and energy in fulfilling the mission and achieving the goals of the University; and



- (D) Be responsible – to be accountable for individual performance and behavior.
- II. Any individual choosing to abuse alcohol, or illicitly use alcohol and other drugs, needs to be aware that there may be a variety of health risks associated with this behavior. Chemical dependency, or addiction to alcohol and other drugs, is a chronic progressive illness, which if untreated, can be fatal. Additionally, use of alcohol or other drugs in the workplace can create an unsafe working environment for both the employee using the drug and his/her co-workers. Use of alcohol and/or other drugs may result in poor judgment; poor coordination; lessened concentration; slower reaction times; impaired eyesight, slips and falls; self-induced burns due to fire; injuries from improper use of hazardous materials, tools or shop machinery on the job or in class; motor vehicle crashes. In addition, personal motivation and productivity may decline. Quality of work and cooperation with others may also be jeopardized.
- III. Consistent with state and federal law, Ferris State University will maintain a workplace free from the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, as defined under the Controlled Substances Act, 21 U.S.C. 812, as may be amended from time to time. The unlawful manufacture, distribution, dispensing, possession or use of drugs or narcotics is prohibited on any property under the control of and governed by the Board of Trustees of Ferris State University, and at any site where work is performed by individuals on behalf of the University.
- IV. Any employee involved in the unauthorized use, sale, manufacturing, dispensing or possession of legal or illegal drugs or narcotics on University premises or work sites, or working under the influence of such substances, will be subject to corrective action up to and including termination of employment.
- V. The employee must notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to provide such notice will subject the employee to termination of his/her employment. The employee shall notify his/her immediate supervisor, who will report the incident to Human Resources (HR).
- VI. Ferris State University supports programs aimed at the prevention of substance abuse by University employees. The University provides a confidential employee assistance service (EAS) to assist employees to deal with substance abuse and related issues. Employees may contact HR to obtain confidential information on the currently available EAS program. Employees are encouraged to seek assistance before their problems become overwhelming or jeopardize their work. Such counseling/service is confidential, to the extent permitted by law, and unrelated to performance appraisals. Leaves of absence to obtain treatment may be obtained under

the sick leave or medical leave provisions of the appropriate [labor contract](#) or [University policy](#).

- VII. All employees will be given a copy of the policy statement at the time they begin their employment. Additionally, HR shall maintain an electronic version on the Ferris web site as well as periodically distribute hard copies of the policy to all employees.

### **RESPONSIBILITY**

Employee: Abide by the terms of this policy, take advantage of the offered resources when necessary, and notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

Supervisor: Be aware of the resources available to assist employees. Be prepared to assist employees who may request help. Report to HR if an employee has disclosed any criminal drug statute conviction for a violation occurring in the workplace.

Refer Questions To: Human Resources



## EFFECTIVENESS OF AND SUGGESTED CHANGES TO ALCOHOL AND DRUG PROGRAMING

### EFFECTIVENESS

Ferris State University continues to have a strong and vibrant alcohol and drug programing model. Having a full-time employee from Ten16 on campus has expanded the offerings to our students. Although there is not a central office devoted to alcohol and drug programing, departments across campus recognize the importance of having a healthy and safe student body and continue to host their own programs. The National College Health Assessment (NCHA) has not been administered since pre-COVID, but conversations are occurring to determine when to re-administered to provide be a strong comparison of to our continued work.

### SUGGESTED CHANGES

Ferris State University would benefit from developing an intentional model on educating students, faculty and staff on alcohol and drug usage, as the City of Big Rapids has several cannabis businesses in town. More focused education on the impact of THC and effects it can have on a developing brain would also help the campus as we continue to see more individual use THC and cannabis products.

## APPENDIX A- DRUG FREE SCHOOLS ANNUAL NOTIFICATION

### FERRIS STATE UNIVERSITY STATEMENT SUPPORTING DRUG-FREE SCHOOLS AND COMMUNITIES ACT

#### WHY AM I RECEIVING THIS?

The 1989 amendments to the Drug-Free Schools and Communities Act requires all institutions of higher education to provide all students and employees certain information. These semesterly notifications include (1) standards of conduct; (2) possible legal sanctions and penalties; (3) statements of the health risks associated with AOD abuse; (4) the IHE's AOD programs available to students, staff, and faculty; and (5) disciplinary sanctions for violations of the standards of conduct

#### STANDARDS FOR CONDUCT AT FERRIS STATE UNIVERSITY

The unlawful manufacture, distribution, dispensation, possession or use of illicit drugs and the unlawful use of alcohol (e.g. underage use, distribution to minors, or operating a University vehicle while under the influence) by employees or students on University property or work sites, or as part of University activity is specifically prohibited by Ferris State University regulations, and/or by state or federal law. Those University regulations governing the use of alcohol and other drugs are so noted below for your information:

Consistent with state and federal law, Ferris State University will maintain a workplace and an educational environment free from the unlawful manufacturing, distribution, dispensation, possession or use of a controlled substance, (as defined under the Controlled Substances Act, 21 U.S.C. 812 and the Drug Free Schools and Communities Act, as may be amended from time to time). The unlawful manufacture, distribution, dispensation, possession or use of alcohol and other drugs, including narcotics by employees and students, is prohibited on any property under the control of and governed by the Board of Trustees of Ferris State University, or on any site where work or student activity is performed by individuals on behalf of the University.

The Ferris State University Code of Student Community Standards Administrative Policies and Procedures include specific sections related to alcohol and other drug use or abuse.

#### STATEMENT OF PURPOSE

This statement is designed to communicate a comprehensive approach to dealing with issues related to alcohol and other drugs. This statement will assist all members of the Ferris State University community, as it provides an educational context for these issues, identifies resources available, and enunciates specific policies that relate directly to faculty, staff, and students. The foundations for this statement reflect the University's core values:

- *Collaboration:* Ferris contributes to the advancement of society by building partnerships with students, alumni, business and industry, government bodies, accrediting agencies, and the communities the University serves.
- *Diversity:* By providing a campus which is supportive, safe, and welcoming, Ferris embraces a diversity of ideas, beliefs, and cultures.
- *Ethical Community:* Ferris recognizes the inherent dignity of each member of the University community and treats everyone with respect. Our actions are guided by fairness, honesty, and integrity.
- *Excellence:* Committed to innovation and creativity, Ferris strives to produce the highest quality outcomes in all its endeavors.

- *Learning:* Ferris State University values education that is career-oriented, balances theory and practice, develops critical thinking, emphasizes active learning, and fosters responsibility and the desire for the lifelong pursuit of knowledge.
- *Opportunity:* Ferris, with a focus on developing career skills and knowledge, provides opportunities for civic engagement, leadership development, advancement, and success.

#### **APPLICABILITY OF UNIVERSITY POLICES ON ALCOHOL AND OTHER DRUGS**

University policies on Alcohol and Other Drugs pertain to all activities on University property. These policies also pertain to off-campus, University-sponsored activities and to off-campus activities (social or otherwise) sponsored by students, organizations or individuals associated with the University.

Ferris State University, like all other institutes of higher education, supports the Drug Free Schools and Community Act Amendments of 1989. This legislation promotes the adoption and implementation of a program to prevent the abuse of alcohol and illicit use of alcohol and other drugs by employees and students. This program has given the University direction to compile and distribute annually this educational material to each employee and student affiliated with our University.

One purpose of this material is to make all of us more aware of the health risks involved with alcohol abuse and illicit alcohol and other drug use, as well as to be aware of the resources available should a student or employee determine that they would like or need assistance. In addition, it is important for each of us to be aware of legal consequences and University sanctions indicated by violations of local, state, and federal laws and University policies and procedures.

#### **LEGAL SANCTIONS**

This summary is not intended to be an exhaustive review of all alcohol-related laws and legal sanctions. Not all laws which may apply to a particular situation are included here. This summary is intended only to inform and educate and should not be construed as legal advice.

#### **BIG RAPIDS ORDINANCES**

##### **Nuisance Party [Section 130.15(as amended)]**

A social gathering or party conducted on any premises within the City and which, by reason of the conduct of those persons in attendance, results in any one or more of the following conditions or events occurring on the premises or neighboring public or private property:

- (1) The unlawful sale, furnishing, possession, or consumption of alcoholic beverages;
- (2) Urination or defecation on neighboring public or private property, or on the premises in view of another person;
- (3) Unlawful deposit of trash or litter;
- (4) Destruction of property;
- (5) Unlawful vehicular traffic, or the unlawful standing or parking of vehicles which obstructs the free flow of traffic or interferes with the ability to render emergency services;
- (6) Unlawful parking of vehicles within the public streets, alleys, or sidewalks, or upon private property;
- (7) Unreasonably loud noise under the circumstances which disturbs the comfort, quiet or repose of one or more members of the neighborhood.
- (8) Conduct or a condition which injures any person;
- (9) Conduct or a condition which endangers the safety of persons or property in the neighborhood;

(10) Conduct or a condition which results in the indecent exposure of a person, or the display of graphic sexual behavior, whether real or simulated, to a member of the public not attending the social gathering or party.

(11) Unlawful sale, furnishing, manufacture, use, or possession of a controlled substance as defined by federal or state law.

**Consumption on Street or Parking Lot [Section 131.04 (as amended)]**

It shall be a municipal civil infraction to consume any alcoholic beverage on any street, alley, sidewalk, parkway, alley or parking lot open to the public. Penalty, see § 10.99

**Possessing Open Alcoholic Beverage [Section 131.05 (as amended)]**

It shall be a municipal civil infraction for any person to transport or possess any alcoholic liquor in a container which is open, uncapped, or upon which the seal is broken on any street, sidewalk, parkway, alley or parking lot open to the public. Penalty, see § 10.99

**Sale to Minors Prohibited [Section 131.07 (as amended)]**

Alcoholic liquor shall not be sold or furnished to a person unless the person has attained 21 years of age. A person who knowingly sells or furnishes alcoholic liquor to a person who is less than 21 years of age, or who fails to make diligent inquiry as to whether the person is less than 21 years of age, is guilty of a misdemeanor. A person who violates § 131.07 and who is not a retail licensee or a retail licensee's clerk, agent, or employee shall be fined 1,000 and may be sentenced to imprisonment for up to 60 days for a first offense, and shall be sentenced to imprisonment for up to 90 days for a second or subsequent offense, and may be ordered to perform community service.

**Purchase, Consumption, and Possession by Minors Prohibited [Section 131.08(as amended)]**

- a) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section.
- b) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the Commission, or by an agent of the Commission, if the alcoholic liquor is not possessed for his or her personal consumption.
- c) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.
- d) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.
- e) Division (A) does not apply to a minor who participates in either or both of the following:
- f) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action;
- g) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the State Police, the Commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase of receipt of alcoholic liquor by the minor was not under the direction of the State Police, the Commission, or the local police agency

**Furnishing or Using Fraudulent Identification [Section 131.09(as amended)]**

A person who furnishes fraudulent identification, or notwithstanding § 131.08(A), a minor who uses fraudulent identification to purchase alcoholic liquor is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100, or both.

**Penalties [Section 131.15 (as amended)]**

- a) A minor who violates § 131.08 is responsible for a civil infraction or guilty of a misdemeanor as follows and is not subject to the penalties prescribed in MCL 436.1909:
  - i. For the first violation, the minor is responsible for a civil infraction and shall be fined not more than \$100. A court may order a minor under this division (A)(1) to participate in substance use disorder services as defined in section 6230 of the Public Health Code, 1978 PA 368, MCL 333.6230, and designated by the Administrator of the Office of Substance Abuse Services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in § 131.14(D). A minor may be found responsible or admit responsibility only once under this division (A)(1).
  - ii. If a violation of this division (A) occurs after one prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this division (A)(2) is punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$200, or both. A court may order a minor under this division (A)(2) to participate in substance use disorder services as defined in section 6230 of the Public Health Code, 1978 PA 368, MCL 333.6230, and designated by the Administrator of the Office of Substance Abuse Services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in § 131.14(D).
  - iii. If a violation of this division occurs after two or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this division is punishable by imprisonment for not more than 60 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$500, or both, as applicable. A court may order a minor under this division to participate in substance use disorder services as defined in section 6230 of the Public Health Code, 1978 PA 368, MCL 333.6230, and designated by the Administrator of the Office of Substance Abuse Services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in § 131.14(D).
- b) If an individual who pleads guilty to a misdemeanor violation of division above or offers a plea of admission in a juvenile delinquency proceeding for a misdemeanor violation of division above, the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in division (above), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the Probate Code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the Code of Criminal Procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the Code

of Criminal Procedure, 1927 PA 175, MCL 771.3. If a court finds that an individual violated a term or condition of probation or that the individual is utilizing this division (B) in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. A discharge and dismissal under this section is without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of disqualifications or disabilities imposed by law on conviction of a crime. An individual may obtain only one discharge and dismissal under this division (B). The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The Secretary of State shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished to any of the following:

- i. To a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized this division (B).
  - ii. To the Department of Corrections, a prosecutor, or a law enforcement agency, on the Department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:
    - i. At the time of the request, the individual is an employee of the Department of Corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the Department of Corrections, the prosecutor, or the law enforcement agency.
    - ii. The record is used by the Department of Corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.
- c) A misdemeanor violation of § 131.08 successfully deferred, discharged, and dismissed under division (B) is considered a prior violation for the purposes of divisions (A)(2) and (3) above.
- d) A court may order an individual found responsible for or convicted of violating section § 131.08 to undergo screening and assessment by a person or agency as designated by the Department-designated community mental health entity as defined in section 1100a of the Mental Health Code, 1974 PA 258, MCL 330.1100a, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of § 131.08 to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.
- e) The Secretary of State shall suspend the operator's or chauffeur's license of an individual convicted of a second or subsequent violation of section § 131.08 or of violating § 131.09 as provided in section 319 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.319.

#### **MICHIGAN STATE LAWS**

**Operating motor vehicle while intoxicated; "operating while intoxicated" defined; operating motor vehicle when visibly impaired; penalties for causing death or serious impairment of a body function;**

**operation of motor vehicle by person less than 21 years of age; "any bodily alcohol content" defined; requirements; controlled substance; costs; enhanced sentence; guilty plea or nolo contendere; establishment of prior conviction; special verdict; public record; burden of proving religious service or ceremony; ignition interlock device; definitions; prior conviction; violations arising out of same transaction. (MCL 257.625)**

Sec. 625.

1. A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, "operating while intoxicated" means any of the following:
  - a. (a) The person is under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.
  - b. The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
  - c. The person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
2. The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person if any of the following apply:
  - a. The person is under the influence of alcoholic liquor, a controlled substance, other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.
  - b. The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
  - c. The person's ability to operate the motor vehicle is visibly impaired due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.
3. A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.
4. A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes the death of another person is guilty of a crime as follows:
  - a. Except as provided in subdivisions (b) and (c), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than

\$2,500.00 or more than \$10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

- b. If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.
  - c. If, at the time of the violation, the person is operating a motor vehicle in a manner proscribed under section 653a and causes the death of a police officer, firefighter, or other emergency response personnel, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. This subdivision applies regardless of whether the person is charged with the violation of section 653a. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.
5. A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes a serious impairment of a body function of another person is guilty of a crime as follows:
- a. Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.
  - b. If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.
6. A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:
- a. An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, the person has an alcohol content of 0.02 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.



- b. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.
- 7. A person, whether licensed or not, is subject to the following requirements:
  - a. He or she shall not operate a vehicle in violation of subsection (1), (3), (4), (5), or (8) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a crime punishable as follows:
    - i. Except as provided in subparagraph (ii), a person who violates this subdivision is guilty of a misdemeanor and must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:
      - 1. Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment must be served consecutively. This term of imprisonment must not be suspended.
      - 2. Community service for not less than 30 days or more than 90 days.
        - a. If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision is guilty of a felony and must be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:
          - i. Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.
          - ii. Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this imprisonment must be served consecutively. This term of imprisonment must not be suspended.
  - b. He or she shall not operate a vehicle in violation of subsection (6) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows:
    - i. Except as provided in subparagraph (ii), a person who violates this subdivision may be sentenced to 1 or more of the following:
      - 1. Community service for not more than 60 days.
      - 2. A fine of not more than \$500.00.
      - 3. Imprisonment for not more than 93 days.
        - a. If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:
          - i. Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment must be served consecutively. This term of imprisonment must not be suspended.

- ii. Community service for not less than 30 days or more than 90 days.
  - iii. In the judgment of sentence under subdivision (a)(i) or (b)(i), the court may, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (a)(ii) or (b)(ii), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.
  - iv. This subsection does not prohibit a person from being charged with, convicted of, or punished for a violation of subsection (4) or (5) that is committed by the person while violating this subsection. However, points shall not be assessed under section 320a for both a violation of subsection (4) or (5) and a violation of this subsection for conduct arising out of the same transaction.
- 8. A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.
- 9. If a person is convicted of violating subsection (1) or (8), all of the following apply:
  - a. Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:
    - i. Community service for not more than 360 hours.
    - ii. Imprisonment for not more than 93 days, or, if the person is convicted of violating subsection (1)(c), imprisonment for not more than 180 days.
    - iii. A fine of not less than \$100.00 or more than \$500.00, or, if the person is guilty of violating subsection (1)(c), a fine of not less than \$200.00 or more than \$700.00.
  - b. If the violation occurs within 7 years of a prior conviction, the person must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and 1 or more of the following:
    - i. Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph must be served consecutively.
    - ii. Community service for not less than 30 days or more than 90 days.
  - c. If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and must be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:
    - i. Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

- ii. Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph must be served consecutively.
  - d. A term of imprisonment imposed under subdivision (b) or (c) must not be suspended.
  - e. In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.
  - f. In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.
10. A person who is convicted of violating subsection (2) is guilty of a crime as follows:
- a. Except as provided in subdivisions (b) and (c), a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$100.00 or more than \$500.00, or both.
  - b. If the person operating the motor vehicle violated subsection (4), a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,500.00 or more than \$10,000.00, or both.
  - c. If the person operating the motor vehicle violated subsection (5), a felony punishable by imprisonment for not more than 2 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.
11. If a person is convicted of violating subsection (3), all of the following apply:
- a. Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:
    - i. Community service for not more than 360 hours.
    - ii. Imprisonment for not more than 93 days.
    - iii. A fine of not more than \$300.00.
  - b. If the violation occurs within 7 years of 1 prior conviction, the person must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00, and 1 or more of the following:
    - i. Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph must be served consecutively.
    - ii. Community service for not less than 30 days or more than 90 days.
  - c. If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and must be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and either of the following:
    - i. Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.
    - ii. Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph must be served consecutively.
  - d. A term of imprisonment imposed under subdivision (b) or (c) must not be suspended.
  - e. In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under

- subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.
- f. In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.
12. If a person is convicted of violating subsection (6), all of the following apply:
- a. Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor punishable by 1 or both of the following:
    - i. Community service for not more than 360 hours.
    - ii. A fine of not more than \$250.00.
  - b. If the violation occurs within 7 years of 1 or more prior convictions, the person may be sentenced to 1 or more of the following:
    - i. Community service for not more than 60 days.
    - ii. A fine of not more than \$500.00.
    - iii. Imprisonment for not more than 93 days.
13. In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.
14. A person sentenced to perform community service under this section must not receive compensation and must reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.
15. If the prosecuting attorney intends to seek an enhanced sentence under this section or a sanction under section 625n based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions.
16. If a person is charged with a violation of subsection (1), (3), (4), (5), (7), or (8) or section 625m, the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (6) in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the prosecuting attorney's motion.
17. A prior conviction must be established at sentencing by 1 or more of the following:
- a. A copy of a judgment of conviction.
  - b. An abstract of conviction.
  - c. A transcript of a prior trial or a plea-taking or sentencing proceeding.
  - d. A copy of a court register of actions.
  - e. A copy of the defendant's driving record.
  - f. Information contained in a presentence report.
  - g. An admission by the defendant.
18. Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while under the influence of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance in violation of subsection (1) or a local ordinance substantially corresponding to subsection (1), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation.

19. Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance in violation of subsection (3) or a local ordinance substantially corresponding to subsection (3), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.
20. A special verdict described in subsections (18) and (19) is not required if a jury is instructed to make a finding solely as to either of the following:
  - a. Whether the defendant was under the influence of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation.
  - b. Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation.
21. If a jury or court finds under subsection (18), (19), or (20) that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance, an alcoholic liquor, or other intoxicating substance, the court shall do both of the following:
  - a. Report the finding to the secretary of state.
  - b. On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under section 625n or 904d.
22. Except as otherwise provided by law, a record described in subsection (21)(b) is a public record and the department of state police shall retain the information contained on that record for not less than 7 years.
23. In a prosecution for a violation of subsection (6), the defendant bears the burden of proving that the consumption of alcoholic liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.
24. The court may order as a condition of probation that a person convicted of violating subsection (1) or (8), or a local ordinance substantially corresponding to subsection (1) or (8), shall not operate a motor vehicle unless that vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625l.
25. As used in this section:
  - a. "Intoxicating substance" means any substance, preparation, or a combination of substances and preparations other than alcohol or a controlled substance, that is either of the following:
    - i. Recognized as a drug in any of the following publications or their supplements:
      1. The official United States Pharmacopoeia.
      2. The official Homeopathic Pharmacopoeia of the United States.
      3. The official National Formulary.

- ii. A substance, other than food, taken into a person's body, including, but not limited to, vapors or fumes, that is used in a manner or for a purpose for which it was not intended, and that may result in a condition of intoxication.
- b. "Prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state, subject to subsection (27):
  - i. Except as provided in subsection (26), a violation or attempted violation of any of the following:
    - 1. This section, except a violation of subsection (2), or a violation of any prior enactment of this section in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.
    - 2. Section 625m.
    - 3. Former section 625b.
  - ii. Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.
  - iii. Section 601d or 626(3) or (4).
- 26. Except for purposes of the enhancement described in subsection (12)(b), only 1 violation or attempted violation of subsection (6), a local ordinance substantially corresponding to subsection (6), or a law of another state substantially corresponding to subsection (6) may be used as a prior conviction.
- 27. If 2 or more convictions described in subsection (25) are convictions for violations arising out of the same transaction, only 1 conviction must be used to determine whether the person has a prior conviction.

**Purchase, consumption, or possession of alcoholic liquor by minor; attempt; violation; fines; sanctions; furnishing fraudulent identification to minor; use by minor; prior violation; screening and assessment; prior judgment; chemical breath analysis; notice to parent, custodian, or guardian; exceptions; recruitment of minor for undercover operation prohibited; affirmative defense; definitions. (MCL 436.1703)**

Sec. 703.

1. A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is responsible for a state civil infraction or guilty of a misdemeanor as follows and is not subject to the penalties prescribed in section 909:
  - a. For the first violation, the minor is responsible for a state civil infraction and shall be fined not more than \$100.00. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5). A minor may be found responsible or admit responsibility only once under this subdivision.
  - b. If a violation of this subsection occurs after 1 prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$200.00, or both. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).
  - c. If a violation of this subsection occurs after 2 or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 60 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$500.00, or both, as applicable. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).
2. An individual who furnishes fraudulent identification to a minor or, notwithstanding subsection (1), a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.
3. If an individual who pleads guilty to a misdemeanor violation of subsection (1)(b) or offers a plea of admission in a juvenile delinquency proceeding for a misdemeanor violation of subsection (1)(b), the court, without entering a judgment of guilt in a criminal proceeding or a

determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in subsection (1)(c), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. If a court finds that an individual violated a term or condition of probation or that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. A discharge and dismissal under this section is without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of disqualifications or disabilities imposed by law on conviction of a crime. An individual may obtain only 1 discharge and dismissal under this subsection. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished to any of the following:

- a. To a court, prosecutor, or police agency on request for the purpose of determining if an individual has already utilized this subsection.
  - b. To the department of corrections, a prosecutor, or a law enforcement agency, on the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:
    - i. At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.
    - ii. The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.
4. A misdemeanor violation of subsection (1) successfully deferred, discharged, and dismissed under subsection (3) is considered a prior judgment for the purposes of subsection (1)(c).
  5. A court may order an individual found responsible for or convicted of violating subsection (1) to undergo screening and assessment by a person or agency as designated by the department-designated community mental health entity as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (1) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.



6. The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of a second or subsequent violation of subsection (1) or of violating subsection (2) as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319.
7. A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request that individual to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a peace officer may seek to obtain a court order. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a state civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.
8. A law enforcement agency, on determining that an individual who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, or purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the individual as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The law enforcement agency shall notify the parent, guardian, or custodian not later than 48 hours after the law enforcement agency determines that the individual who allegedly violated subsection (1) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The law enforcement agency may notify the parent, guardian, or custodian by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (1), his or her parents or legal guardian shall be notified immediately as provided in this subsection.
9. This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.
10. The following individuals are not considered to be in violation of subsection (1):
  - a. A minor who has consumed alcoholic liquor and who voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.
  - b. A minor who accompanies an individual who meets both of the following criteria:
    - i. Has consumed alcoholic liquor.
    - ii. Voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.
  - c. A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.
11. If a minor who is less than 18 years of age and who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, voluntarily presents himself or herself to a health facility or agency for treatment or for observation as provided under subsection (10), the health facility or agency

- shall notify the parent or parents, guardian, or custodian of the individual as to the nature of the treatment or observation if the name of a parent, guardian, or custodian is reasonably ascertainable by the health facility or agency.
12. This section does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent, or employee for a violation of this act.
  13. The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.
  14. The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.
  15. Subsection (1) does not apply to a minor who participates in either or both of the following:
    - a. An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
    - b. An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.
  16. The state police, the commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (1), section 701(1), or section 801(2).
  17. In a prosecution for the violation of subsection (1) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.
  18. As used in this section:
    - a. "Any bodily alcohol content" means either of the following:
      - i. An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
      - ii. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.
    - b. "Emergency medical services personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.
    - c. "Health facility or agency" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.
    - d. "Prior judgment" means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:
      - i. This section or section 701 or 707.
      - ii. Section 624a, 624b, or 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.624b, and 257.625.
      - iii. Section 80176, 81134, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127.

- iv. Section 167a or 237 of the Michigan penal code, 1939 PA 328, MCL 750.167a and 750.237.

**MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (EXCERPT)**  
**Initiated Law 1 of 2018**

**Scope of act; unauthorized activities with marihuana and marihuana accessories; limitations; application of privileges, rights, immunities, and defenses under other marihuana laws; employer rights; property owner rights. (MCL 33.27954)**

**Sec. 4.**

1. This act does not authorize:
  - a. operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;
  - b. transfer of marihuana or marihuana accessories to a person under the age of 21;
  - c. any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;
  - d. separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;
  - e. consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;
  - f. cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;
  - g. consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;
  - h. possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or
  - i. Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

**Violations; penalties (MCL 333.27965)**

**Sec. 15.**

A person who commits any of the following acts, and is not otherwise authorized by this act to conduct such activities, may be punished only as provided in this section and is not subject to any other form of punishment or disqualification, unless the person consents to another disposition authorized by law:

1. Except for a person who engaged in conduct described in sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or 4(1)(h), a person who possesses not more than the amount of marihuana allowed by section 5, cultivates not more than the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than the amount of marihuana allowed by section 5, is responsible for a civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.
2. Except for a person who engaged in conduct described in section 4, a person who possesses not more than twice the amount of marihuana allowed by section 5, cultivates not more than twice the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than twice the amount of marihuana allowed by section 5:
  - a. for a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;
  - b. for a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana;
  - c. for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$2,000 and forfeiture of the marihuana.
3. Except for a person who engaged in conduct described by section 4(1)(a), 4(1)(d), or 4(1)(g), a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:
  - a. for a first violation, is responsible for a civil infraction and may be punished as follows:
    - i. if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or
    - ii. if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.
  - b. for a second violation, is responsible for a civil infraction and may be punished as follows:
    - i. if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or
    - ii. if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.
4. Except for a person who engaged in conduct described in section 4, a person who possesses more than twice the amount of marihuana allowed by section 5, cultivates more than twice the amount of marihuana allowed by section 5, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by section 5, shall be responsible for a misdemeanor, but shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence.

**ADDITIONAL LEGAL SANCTIONS**

There are legal sanctions under the state and federal law, for the unlawful possession, use or distribution of alcohol and other drugs. Sanctions for violations of state and federal law may result in punishment for a misdemeanor or felony, depending on the nature of the crime. In the State of Michigan, the Michigan Controlled Substances Act #368 of 1978 lists a range of sanctions from up to six months in jail and up to \$500 in fines or both for misdemeanor convictions, to up to mandatory life in prison and up to \$75,000 in fines for felony convictions. Under the Federal Narcotics, Penalties and Enforcement's Act of 1986 Federal trafficking penalties range from not more than one year in jail or \$100,000 in fines for first offense violations, and up to life imprisonment with fines of not more than \$4,000,000 for repeat offenders or more serious violations.

## FEDERAL TRAFFICKING PENALTIES

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)  1 to 49 marijuana plants</p>	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	

## HEALTH CONCERNS AND HEALTH RISKS

Any individual choosing to misuse alcohol or illicitly use alcohol and other drugs needs to be more aware that there may be a wide variety of health risks associated with this behavior. Chemical dependency, or addiction to alcohol and other drugs, is a chronic progressive illness that, if untreated, can be fatal.

Long term effects of alcohol abuse or alcoholism may include liver damage, especially cirrhosis (scarring of the liver); heart disease, including congestive heart failure; ulcers and gastritis; malnutrition; cancer of the mouth, esophagus or stomach; brain damage and possible psychosis; and fetal alcohol effect and fetal alcohol syndrome in infants of drinking mothers.

### **Use of other illicit drugs may pose some of the following hazards:**

- Cocaine results in changes in blood pressure, heart and breathing rates, severe weight loss and liver damage, and it may cause seizures, coma and possibly death.
- Marijuana can affect coordination, short-term memory, visual tracking and heart rate. Regular use can produce reproductive system changes, damage to the respiratory system (lungs) and the immune system.
- Depressants in large doses can cause altered perception, blurred speech and a staggering gait. Very large doses can cause respiratory depression, coma and possibly death. In combination with alcohol, another depressant, these effects can be intensified and this multiplies the risk.
- Hallucinogens, like phencyclidine (PCP), can produce a range of effects that include slowed time and body movement, worsened muscular coordination and dulled senses. Speech can be blocked and often incoherent. Violent PCP episodes may result in self-inflicted injury. Increasing use may produce persistent memory problems and speech difficulties, depression, anxiety and violent behavior. Large doses may result in convulsions, coma, heart and lung failure and possible stroke.
- Narcotics (codeine, heroin, and a variety of prescription medications) will produce an initial feeling of euphoria followed by drowsiness, nausea and vomiting, constricted (shrinking) pupils, watery eyes and itching. Overdose may produce slow and shallow breathing, clammy skin, convulsions, coma and possible death. Due to frequent use of needles with this class of drugs, infectious diseases, including AIDS are a major concern.
- Inhalants, volatile breathable substances, which are abused by sniffing or inhaling, may interfere diversely with breathing or produce irregular heartbeats that can lead to heart failure and death. Long-term use has resulted in bone marrow damage, drastic weight loss, impairment of vision and memory, and the ability to think clearly.

It is not necessary to become addicted to or dependent upon any of these drugs to experience a wide variety of personal and/or family problems. "Harmful involvement" with any of the drugs mentioned here may show up in a number of different ways. Use of alcohol and/or the other drugs may result in poor judgment; poor coordination; lessened concentration; slower reaction times; impaired eyesight; slips and falls; self-induced burns due to fire; injuries from improper use of hazardous materials, tools or shop machinery on the job or in class; and motor vehicle crashes. In addition, personal motivation and productivity may decline. Quality of work and cooperation with others may also be jeopardized. The impact of alcohol abuse and illicit alcohol and other drug use is also seen in both family and social circles. Continued use and abuse often times may increase problems in existing dysfunctional family/social systems or may give rise to the development of dysfunctional family/social systems impacting on significant others, spouses, children, parents, and friends. Friendships and work relationships may suffer and personal relationships, including marriages, very often become strained to the point of separation or divorce. The incidence of alcohol and other drug use involved in car crashes, violent and petty crime, and domestic violence and sexual assault is well documented and very high.



It is important to note that while we as individuals may not be personally affected by the behaviors and consequences noted above, each of us at one time during our lives will probably have to deal with a friend, family member, or co-worker who is struggling with his or her use/abuse of alcohol and/or other drugs. It is therefore important for all of us to know how we can access available resources in our community.

As a community, we encourage individual members to reach their full potential as persons and citizens, unencumbered by destructive or counterproductive patterns of behavior.

#### DISCIPLINARY OUTCOMES

##### **Student Policies and University**

The Code of Student Community Standards, consistent with State and Federal Law, prohibits the unlawful manufacture, distribution, dispensation, possession or use of alcohol and other drugs. The University also places limitations on the use and possession of alcohol on campus, above and beyond legal standards. Individual students who are found in violation of University policies, guidelines, or expectations regarding alcohol and other drugs are subject to discipline, pursuant to established University procedures and to criminal outcomes provided by federal, state, and local law. It should be noted that disciplinary outcomes that apply to faculty and staff may differ from one another depending on the terms set forth in union contracts.

#### UNIVERSITY OUTCOMES

Ferris State University will impose outcomes on employees and students (consistent with local, state, and federal law, and within applicable collective bargaining agreements) for violations of the standards of conduct, as expressed in any University regulations. Outcomes resulting from employee or student violations of these standards of conduct will result in disciplinary action up to and including termination for employees and dismissal for students. In addition, for both employees and students, the outcomes may include referral to appropriate authorities for prosecution of violations of stated policies.

Student outcomes in the Ferris State University Code of Community Standards Administrative Policies and Procedures specifically include administrative warnings, disciplinary probation, suspension from the University, or dismissal from the University without opportunity to enroll in the future. In addition, these include the opportunity for other outcomes to be imposed, such as the requirement of reimbursement for damages, loss of special privileges, or participation in campus provided educational programs. Below are the baseline outcomes used by the Office of Student Conduct for adjudication alcohol and other drug violations.

	Outcome	Conversation Topics
1 <sup>st</sup> Violation	<ul style="list-style-type: none"> <li>• Administrative Warning</li> <li>• CREW Check-In</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• Usage &amp; Effects On School</li> <li>• Responsible Drinking Strategies</li> <li>• Would Could Marijuana Usage Affect Future Internship/Employment</li> <li>• Family Views</li> <li>• Connection To Campus</li> </ul>
2 <sup>nd</sup> Violation	<ul style="list-style-type: none"> <li>• Disciplinary Probation For Current Semester (Plus Next Enrolled If Appropriate)</li> <li>• AOD Wellness Program</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• How Has Usage Effected School Or Financial Situation</li> <li>• Frequency Of Use</li> <li>• Peer Groups Influence</li> <li>• How Future Violations Could Affect Their Ability To Be A Student</li> </ul>
3 <sup>rd</sup> Violation	<ul style="list-style-type: none"> <li>• Disciplinary Probation For Current Semester, Plus Next Three Enrolled (If Appropriate)</li> <li>• Primed For Life</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• How They Are Using Their Time At Ferris</li> <li>• What Is Their Purpose In Coming To School</li> <li>• How Would Future Be Different If Removed From School</li> <li>• Notice That Future Violation Could Lead To Separation From Ferris</li> <li>• Is Using Developing A Dependency</li> </ul>
4 <sup>th</sup> Violation	<ul style="list-style-type: none"> <li>• OSC Director Discretion</li> </ul>	<ul style="list-style-type: none"> <li>• Why Should You Remain Being A Student</li> <li>• Why They Struggle Respecting Institutional Policies</li> <li>• Can We Trust You To Remain In Our Community And Abide By University Policy</li> </ul>

The University considers involvement in the student disciplinary process to be part of a student's learning experience. Through a system of progressive discipline, it is anticipated that a student will realize the importance of functioning within the University's policies, procedures, and regulations. Though every case involving the violation of University policies or procedures is considered on the basis of the merits in that case, there are some categories of violations for which the anticipated outcome would be suspension or dismissal from the University. Such serious infractions include, but are not limited to, the distribution of alcohol to minors, distribution of illegal drugs or the use, possession, or distribution of alcohol or illegal drugs that result in a serious safety or health matter for any member of the campus or local community.

## ALCOHOL AND OTHER DRUG PROGRAMS AND RESOURCES

### Students

Campus and/or community resources are available to employees and students seeking assistance when alcohol and other drug use/abuse becomes a personal concern or problem. University students can take advantage of the assistance and referral services of the Personal Counseling Center's counseling staff, including the services of an alcohol and other drug counselor. The Personal Counseling Center is located

in the Birkam Health Center, Room 210. This office is open from 8:00 AM to 5:00 PM, Monday through Friday. The telephone number is (231) 591-5968.

Counseling services, individual and/or group, provided to students at the Personal Counseling Center are completely confidential and are provided at no charge. Off-campus service provider fees can vary and payment arrangements, many times, can be flexible from a sliding fee scale for those with little or no ability to pay, to fees for those with health insurance coverage. Students with insurance should be advised that all health insurance policies written in Michigan are required by state law to provide at least some coverage for alcohol and other drug services.

Students may also take advantage of the FS/CREW program, provided through Ten16 Recovery Network. Students can feel safe and comfortable to explore their alcohol and/or drug use in a judgment-free environment with no “should’s” or “have to’s.” FS/CREW believes that these conversations are better had in an open, honest, and comfortable style that and promote self-directed reflection. If through their exploration a student discovers they wish to make any changes in their substance use, FS/CREW can be a valuable resource for supporting that change. Students may access FS/CREW in suite 201 in the Birkam Health Center.

### **Employees**

Employees may access the employee assistance program through Ulliance. Ulliance is a free service designed to assist employees and their families resolve problems and cope with life's everyday challenges. They are available 24/7 at the toll-free number below, as well as at their website. Offices are located in Big Rapids as well as other locations. can get referral assistance, including a list of alcohol and other drug counseling service providers available in the Big Rapids area, from the Counseling Center or the Office of Human Resources, Prakken Building, Room 150. In addition, the Counseling Center maintains a statewide directory of alcohol and other drug service providers for those seeking assistance outside of the Big Rapids area.

### **QUESTIONS?**

This document was prepared by the Office of Student Conduct at Ferris State University, questions may be directed to the Office of Student Conduct at (231) 591-3619.

## APPENDIX B

### Code of Student Community Standards, Section IV General University Conduct Policies, Part B Personal Misconduct On or Off Campus:

#### Unauthorized Possession/Use or Distribution of Alcoholic Beverages

The use or possession of alcoholic beverages is prohibited by Ferris State University when the following applies:

- a. *Contrary to Law*: On or off University property, or in the course of a University activity or student organization activity, when the possession or use is contrary to law and/or University policy.
- b. *Creates Danger*: On or off University property, when possession or use creates a danger to self or others, including, but not limited to, driving while under the influence of alcohol.
- c. *Supplying to Minors*: The sale, gift, or transfer of alcohol to minors. Or where a party is hosted where underage consumption occurs.
- d. *In Public/Unauthorized area*: In or on any property of the University frequented by the public, except in areas specifically designated by the President of the University.  
*Please note*: Excessive consumption of alcohol is also prohibited by Ferris State University regardless of age. This includes instances where an individual receives any type of medical treatment relating to consumption alcohol.

#### UNAUTHORIZED POSSESSION OR USE OF ILLEGAL DRUGS, MARIJUANA, CONTROLLED SUBSTANCES AND/OR MISUSE OF OVER-THE-COUNTER SUBSTANCES (REAL OR IMPLIED)

The term “controlled substance” is defined by Federal and Michigan law, and includes, but is not limited to, substances such as marijuana, cocaine, narcotics, certain stimulants and depressants, and hallucinogens. The following actions are prohibited by Ferris State University:

***Recreational and Medical Marijuana***: The Michigan Regulation and Taxation of Marihuana Act and Michigan Medical Marijuana Act conflicts with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. The state constitutional amendment authorizing individuals over the age of 21 to recreationally use marijuana (“Proposal 1”) does not change this prohibition or authorize a student to use marijuana. Federal law, including the Drug Free Schools Act, continues to prohibit marijuana. Thus marijuana use, even if in compliance with Proposal 1, is prohibited.

- a. *Contrary to Law*: Use or possession of any drug, controlled substance(including marijuana and products containing THC), or drug paraphernalia on or off University property or in the course of a University activity or student organization activity, contrary to law or without a valid and legal prescription for such drugs or controlled substances
- b. *Marijuana and drug accessories*: and paraphernalia means any equipment, product, material, or combination of equipment, products, or materials, which is designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.
- c. *Creates Danger*: On or off University property, when possession or use creates a danger to self or others, including, but not limited to, driving while under the influence of drugs, marijuana, THC based products, or controlled substance that impair one’s ability to operate a motor vehicle.

- d. *Use of Facilities*: Use of University facilities to manufacture, process, or distribute any drugs, marijuana, THC based products, or controlled substance contrary to law.
- e. *Distribution*: Sale, attempted sale, gift, transfer, or attempted transfer of drugs, marijuana, THC based products, controlled substances, or drug paraphernalia, whether or not such sale, gift, or transfer occurs on or off University property or in the course of a University activity or student organization activity.
- f. *Manufacture*: Possession, production, manufacture or use of any substance that is used as a drug on or off University property.
- g. *Prescription Misuse*: Abuse or misuse of any prescription drug, the unauthorized possession of prescription medication or the sale or attempted sale of a prescription drug.

Ferris State University does not discriminate on the basis of race, color, religion or creed, national origin, sex, sexual orientation, gender identity, age, marital status, veteran or military status, height, weight, protected disability, genetic information, or any other characteristic protected by applicable State or federal laws or regulations in education, employment, housing, public services, or other University operations, including, but not limited to, admissions, programs, activities, hiring, promotion, discharge, compensation, fringe benefits, job training, classification, referral, or retention. Retaliation against any person making a charge, filing a legitimate complaint, testifying, or participating in any discrimination investigation or proceeding is prohibited.

Students with disabilities requiring assistance or accommodation may contact Educational Counseling and Disabilities Services at (231) 591-3057 in Big Rapids, or the Director of Counseling, Disability and Tutoring Services for Kendall College of Art and Design at (616) 451-2787 ext. 1136 in Grand Rapids. Employees and other members of the University community with disabilities requiring assistance or accommodation may contact the Human Resources Department, 420 Oak St., Big Rapids, MI 49307 or call (231) 591-2150. Inquiries and complaints of disability discrimination may be addressed to the 504 Coordinator/Educational Counselor, 901 S. State St., Starr 313, Big Rapids, MI 49307 or by telephone at (231) 591-3057. Other inquiries or complaints of discrimination may be addressed to the Director of Equal Opportunity, 120 East Cedar St., Big Rapids, MI 49307 or by telephone at (231) 591-2152; or Title IX Coordinator, 805 Campus Dr., Big Rapids, MI 49307, or by telephone at (231) 591-2088.

APPENDIX B- CODE OF STUDENT COMMUNITY STANDARDS, SECTION IV GENERAL UNIVERSITY CONDUCT POLICIES, PART B PERSONAL MISCONDUCT ON OR OFF CAMPUS:

**Intoxication/Excessive Consumption of Alcohol**

Intoxication is defined as being under the influence of alcohol or other drugs, regardless of age, where such behavior causes a disturbance or other concern to the University.

**Unauthorized Possession/Use or Distribution of Alcoholic Beverages**

The use or possession of alcoholic beverages is prohibited by Ferris State University when the following applies:

- a. Contrary to Law: On or off University property, or in the course of a University activity or student organization activity, when the possession or use is contrary to law and/or University policy.
- b. Creates Danger: On or off University property, when possession or use creates a danger to self or others, including, but not limited to, driving while under the influence of alcohol.
- c. Supplying to Minors: The sale, gift, or transfer of alcohol to minors, or where a party is hosted where underage consumption occurs.
- d. In Public/Unauthorized area: In or on any property of the University frequented by the public, except in areas specifically designated by the President of the University.

**Unauthorized Possession or Use of Illegal Drugs, Cannabis, Controlled Substances, and/or Misuse of Over-the-counter substances (real or implied)**

The term “controlled substance” is defined by Federal and Michigan law, and includes, but is not limited to, substances such as cannabis, cocaine, narcotics, certain stimulants and depressants, and hallucinogens. The following actions are prohibited by Ferris State University:

**Recreational and Medical Cannabis:** The Michigan Regulation and Taxation of Marihuana Act and Michigan Medical Marihuana Act conflicts with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. The state constitutional amendment authorizing individuals over the age of 21 to recreationally use cannabis (“Proposal 1”) does not change Ferris’ prohibition or authorize a student to use cannabis. Federal law, including the Drug Free Schools Act, continues to prohibit cannabis. Thus cannabis use and possession, even if in compliance with Proposal 1, is prohibited.

- a. Contrary to Law: Use or possession of any drug, controlled substance (including cannabis and products containing THC), or drug paraphernalia on or off University property or in the course of a University activity or student organization activity, contrary to law or without a valid and legal prescription for such drugs or controlled substances
- b. Cannabis and Drug Accessories: Paraphernalia means any equipment, product, material, or combination of equipment, products, or materials, which is designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing cannabis into the human body.
- c. Creates Danger: On or off University property, when possession or use creates a danger to self or others, including, but not limited to, driving while under the influence of drugs, cannabis, THC based products, or controlled substances that impair one’s ability to operate a motor vehicle.

- d. Use of Facilities: Use of University facilities to manufacture, process, or distribute any drugs, cannabis, THC based products, or controlled substances contrary to law.
- e. Distribution: Sale, attempted sale, gift, transfer, or attempted transfer of drugs, cannabis, THC based products, controlled substances, or drug paraphernalia, whether or not such sale, gift, or transfer occurs on or off University property or in the course of a University activity or student organization activity.
- f. Manufacture: Possession, production, manufacture, or use of any substance that is used as a drug on or off University property.
- g. Prescription Misuse: Abuse or misuse of any prescription drug, the unauthorized possession of prescription medication, or the sale or attempted sale of a prescription drug.

Ferris State University does not discriminate on the basis of race, color, religion or creed, national origin, sex, sexual orientation, gender identity, age, marital status, veteran or military status, height, weight, protected disability, genetic information, or any other characteristic protected by applicable State or federal laws or regulations in education, employment, housing, public services, or other University operations, including, but not limited to, admissions, programs, activities, hiring, promotion, discharge, compensation, fringe benefits, job training, classification, referral, or retention. Retaliation against any person making a charge, filing a legitimate complaint, testifying, or participating in any discrimination investigation or proceeding is prohibited.

Students with disabilities requiring assistance or accommodation may contact Educational Counseling & Disabilities Services at (231) 591-3057 [ecds@ferris.edu](mailto:ecds@ferris.edu) in Big Rapids (including statewide students) or the Director of Counseling and Disability Services for Kendall College of Art and Design (KCAD) at (616) 451-2787 ext. 1136 [MarieYowitz@ferris.edu](mailto:MarieYowitz@ferris.edu) in Grand Rapids. Employees and other members of the University community with disabilities requiring assistance or accommodation may contact the Human Resources Department, 420 Oak St., Big Rapids, MI 49307 or call (231) 591-2150 [HumanResources@Ferris.edu](mailto:HumanResources@Ferris.edu). Inquiries and complaints of disability discrimination may be addressed to the Director of Accessibility, Arts, Sciences and Education Commons 1017, 820 Campus Dr., Big Rapids, MI 49307 or by telephone/email at (231) 591-3057 [JulieAlexander@ferris.edu](mailto:JulieAlexander@ferris.edu) or to the Director of Equal Opportunity, 120 East Cedar St., Big Rapids, MI 49307 or by telephone/email at (231) 591-2152 [EqualOpportunity@ferris.edu](mailto:EqualOpportunity@ferris.edu).

Individuals with complaints of sex discrimination, including sexual harassment, may address those complaints to the Title IX Coordinator, 805 Campus Dr., Big Rapids, MI 49307 or by telephone/email at (231) 591-2088 [TitleIX@ferris.edu](mailto:TitleIX@ferris.edu) or to a Deputy Title IX Coordinator, including the Director of Equal Opportunity, as above; the Extended and International Operations Director of Student Services, 151 Fountain St. NE, Grand Rapids, MI 49503 or by telephone/email at (616) 643-5741 [JocelynGoheen@ferris.edu](mailto:JocelynGoheen@ferris.edu).

Other inquiries or complaints of discrimination may be addressed to the Director of Equal Opportunity, as above.

## APPENDIX C- STUDENT CONDUCT ALCOHOL AND DRUG BASELINE OUTCOME MODEL

### Alcohol & Drug Outcomes

When To Assign Outcomes Under This Model	
Consumption	Likely To Be Consumption Without Intervention
<p>Alcohol Examples:</p> <ul style="list-style-type: none"> <li>• Open Alcohol in Room</li> <li>• Slurred Speech</li> <li>• Red Glassy Eyes</li> <li>• Trouble Balancing</li> <li>• Confusion When Speaking</li> <li>• Police Administer a PBT</li> <li>• Student Acknowledges Consumption</li> </ul>	<p>Alcohol Examples:</p> <ul style="list-style-type: none"> <li>• Unopened Alcohol in Room</li> <li>• Alcohol on Person (Backpack, in Hoodie Pocket)</li> <li>• In Area With Ample Amounts of Alcohol Available</li> </ul>
<p>Drug Examples:</p> <ul style="list-style-type: none"> <li>• Odor of Cannabis</li> <li>• Cannabis in Room, Car, or Person</li> <li>• Student Acknowledges Usage</li> </ul>	<p>Drug Examples:</p> <ul style="list-style-type: none"> <li>• Paraphernalia (Grinder, Papers, Bowl)</li> <li>• Shake/Remnants Of Cannabis</li> </ul>



Baseline Outcomes		
	Outcome	Conversation Topics
1 <sup>st</sup> Violation	<ul style="list-style-type: none"> <li>• Administrative Warning</li> <li>• CREW Cannabis or Alcohol Check-In</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• Usage &amp; Effects on School</li> <li>• Responsible Drinking Strategies</li> <li>• Would Could Cannabis Usage Affect Future Internship/Employment</li> <li>• Family Views</li> <li>• Connection to Campus</li> </ul>
2 <sup>nd</sup> Violation	<ul style="list-style-type: none"> <li>• Disciplinary Probation for Current Semester (Plus Next Enrolled if Appropriate)</li> <li>• AOD Wellness Program</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• How Has Usage Effectuated School or Financial Situation</li> <li>• Frequency of Use</li> <li>• Peer Groups Influence</li> <li>• How Future Violations Could Affect Their Ability to be a Student</li> </ul>
3 <sup>rd</sup> Violation	<ul style="list-style-type: none"> <li>• Disciplinary Probation for Current Semester, Plus Next Three Enrolled (If Appropriate)</li> <li>• Primed For Life</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• How They Are Using Their Time at Ferris</li> <li>• What is Their Purpose in Coming to School</li> <li>• How Would Future be Different if Removed From School</li> <li>• Notice That Future Violation Could Lead to Separation From Ferris</li> <li>• Is Using Developing a Dependency</li> </ul>
4 <sup>th</sup> Violation	<ul style="list-style-type: none"> <li>• OSC Director Discretion</li> </ul>	<ul style="list-style-type: none"> <li>• Why Should You Remain Being A Student</li> <li>• Why They Struggle Respecting Institutional Policies</li> <li>• Can We Trust You To Remain In Our Community And Abide By University Policy</li> </ul>

What Is A Baseline Outcome?
A baseline outcome is the model we would follow for a “normal” incident. That being one that there are not other major factors that contributed to the student’s behavior. Baseline outcomes for administrative outcomes would likely continue to be used if the previous incident happened within a year.

When Would I Use Something Different?	
Administrative Outcome	Educational Outcome
<ul style="list-style-type: none"> <li>• Previous Conduct History Already Is Progressing In Severity (E.G. Has Received 2 Warnings Already, Currently On Disciplinary Probation)</li> <li>• Other Policy Violations In Same Incident (E.G. Alcohol, Noise, And Disorderly Conduct In Same Incident)</li> </ul>	<ul style="list-style-type: none"> <li>• Usage Was A Self-Medicating Behavior For Another Issue</li> <li>• Student May Has Already Completed Another Educational Program As A Result Of A Court Proceeding</li> <li>• One Program May Be More Beneficial Than Another (E.G. Outcome of Prime For Life As It Covers Prescription Drug Abuse)</li> </ul>

How To Proceed When Not Using Baseline Outcomes	
Administrative Outcome	Educational Outcomes
<ul style="list-style-type: none"> <li>• Conduct Case Managers Should Note In Their Rational Statement The Previous Number Of Contacts With The Office Of Student Conduct.</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct Case Managers Should Include In Their Rational Statement The Conversation They Had With The Student And How This Educational Outcome Is Going To Set Them Up For Success Versus Baseline Outcome.</li> </ul>

## APPENDIX D- FERRIS STATE UNIVERSITY BOARD OF TRUSTEE POLICY ON ALCOHOL AND OTHER DRUGS

### SUBPART 8-8 POLICY ON ALCOHOL AND OTHER DRUGS

#### Sec. 8-801. Statement of Purpose.

The purpose of this subpart is to communicate a comprehensive approach to dealing with issues related to alcohol and other drugs. The policy will assist all members of the Ferris State University community, as it provides an educational context for these issues, identifies resources available, and enunciates specific policies that relate directly to faculty, staff and students. The foundations for this policy reflect the University's core values:

- (1) To support the academic mission of the University;
- (2) To support education as the primary route to personal development, professional productivity, economic success, and social contribution;
- (3) To provide a safe, supportive, and stimulating learning environment;
- (4) To provide a service to, and involvement with, the community, the state, the nation, and the world.

#### *Prior Board Action:*

October 15, 1999.

Sec. 8-802. Commitments and Values. By fulfilling these commitments, Ferris is teaching these values. However, values cannot be taught in the abstract; they must be lived in the concrete world of the everyday tasks at the University. Therefore, every member of the Ferris community must be committed to:

- (1) Behave ethically -- to be honest, forthright, loyal, trustworthy, and compassionate;
- (2) Act civilly -- to treat everyone with respect and courtesy; to resolve disputes openly and without rancor;
- (3) Be productive -- to fully engage each person's intelligence, talents, and energy in fulfilling the mission and achieving the goals of the University; and
- (4) Be responsible -- to be accountable for individual performance and behavior.

Sec. 8-803. Applicability of this Policy on Alcohol and Other Drugs. This Policy on Alcohol and Other Drugs pertains to all activities on University property. This policy also pertains to off-campus, University-sponsored activities and to off-campus activities (social or otherwise) sponsored by students, organizations or individuals associated with the University.

*Cross Reference:*

Subpart 8-5. Drug-Free Workplace Policy.

**Sec. 8-804. Health Risks.**

(1) Any individual choosing to abuse alcohol, or illicitly use alcohol and other drugs, needs to be more aware that there may be a variety of health risks associated with this behavior. Chemical dependency, or addiction to alcohol and other drugs, is a chronic progressive illness which, if untreated, can be fatal.

(2) However, it is not necessary to become addicted to or dependent upon any of these drugs to experience a wide variety of personal and/or family problems. "Harmful involvement" with any of the drugs mentioned here may show up in a number of different ways. Use of alcohol and/or the other drugs may result in poor judgment; poor coordination; lessened concentration; slower reaction times; impaired eyesight, slips and falls; self-induced burns due to fire; injuries from improper use of hazardous materials, tools or shop machinery on the job or in class; motor vehicle crashes. In addition, personal motivation and productivity may decline. Quality of work and cooperation with others may also be jeopardized.

(3) The impact of alcohol abuse and illicit alcohol and other drug use is also seen in both family and social circles. Continued use and abuse often times may increase problems in existing dysfunctional family/social systems impacting on significant others, spouses, children, parents and friends. Friendships and work relationships may suffer and personal relationships including marriages very often become strained to the point of separation or divorce. The incidence of alcohol and other drug use involved in car crashes, violent and petty crime, and domestic violence and sexual assault is well documented and very high.

(4) It is important to note that while we as individuals may not be personally affected by the behaviors and consequences noted above, each of us, at one time during our lives, will probably have to deal with a friend, family member or co-worker who is struggling with his or her use/abuse of alcohol and/or other drugs. Beyond the risks of use, however, the University wants to highlight the personal and social benefits of an alcohol-free and drug-free environment.

(5) As a community, we encourage individual members to reach their full potential as persons and citizens, unencumbered by destructive or counterproductive patterns of behavior.

**Sec. 8-805. University Resources and Programs -- Employee Assistance Service.**

(1) The Employee Assistance Service (EAS) is a benefit provided by Ferris State University to confidentially assist employees and their families to resolve problems. When problems of a personal nature occur, they not only affect an employee's personal life, but can affect his/her work life, too. Employees are encouraged not to wait to resolve those problems until they become overwhelming or jeopardize their work.

(2) While utilizing the EAS, employees are assured of privacy. No information will be released without the employee's written consent, and all records are kept according to state and federal confidentiality guidelines and separate from any personnel and medical files.

(3) Employee Assistance Services is an employee benefit, paid for by Ferris State University. There is no charge for employee assistance services. If a referral is made to an outside provider, the employee may elect to cover those services with health care benefits. Every effort will be made to coordinate the services recommended with the employee's existing insurance coverage.

(4) The Employee Assistance Service has a toll-free "800" number available 24 hours a day, 7 days a week. If a crisis occurs, Employee Assistance Services will see the client on that same day or provide a referral for the type of problem he or she is experiencing.

*Note:*

The EAS is coordinated by Ferris' Office of Human Resource Development (HRD). Further information may be obtained by contacting HRD.

*Cross Reference:*

Subpart 8-5. Drug-Free Workplace Policy.

**Sec. 8-806. University Resources and Programs -- Student Resources.**

(1) The Counseling Center's Wellness Resource Center is the primary resource library for information about alcohol/other drugs, sexual assault and HIV/AIDS. The Center houses pamphlets, books, a clipping file, and audio and videotapes for personal and/or school use.

*Note:*

Call 231-591-2668 for more information, hours, or to make an appointment.

(2) Information about alcohol, nicotine (tobacco), marijuana, cocaine, steroids, inhalants, stimulants, depressants, narcotics -- some of the laws and the effects that they have on individuals and those they care about -- is available in a number of locations. The primary source for this material is the Counseling Center's Wellness Resource Center; however, there is a pamphlet rack with some of this information located in each academic building that houses a college dean's office.

*Notes:*

Similar and additional information can be obtained in the Office of Student Judicial Services (RC 208), and the Counseling Center (RC 221). In addition to these informational resources, the Counseling Center can provide individualized counseling and/or referrals to students who want or need special assistance.

Students, faculty and staff are encouraged to utilize following web site:  
<http://www.ferris.edu/htmls/studentlife/PersonalCounseling/>



**Sec. 8-807. Employee Policies and Sanctions.**

(1) Consistent with State and Federal Law, Ferris State University will maintain a workplace free from the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, as defined under the Controlled Substances Act, 21 U.S.C. 812, as may be amended from time to time. The unlawful manufacture, distribution, dispensation, possession or use of drugs or narcotics is prohibited on any property under the control of and governed by the Board of Trustees of Ferris State University, and at any site where work is performed by individuals on behalf of Ferris State University. Pursuant to applicable University procedures governing employee discipline, any employee involved in the unauthorized use, sale, manufacturing, dispensing or possession of legal or illegal drugs or narcotics on University premises or work sites, or working under the influence of such substances, will be subject to disciplinary action up to and including dismissal. The employee must notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to provide such notice will subject the employee to dismissal. The employee shall notify his/her immediate supervisor, who will report the incident to the Office of Human Resource Development.

(2) Ferris State University supports programs aimed at the prevention of substance abuse by University employees.

*Cross Reference:*

Sec. 8-805. University resources and programs -- employee assistance service.

(3) Employees who are found to be in violation of University policies, guidelines, or professional expectations will be disciplined pursuant to the provisions of the applicable collective bargaining unit agreement or Board Personnel Policies.

*Cross References:*

Subpart 6-1. Employment Policy.

Subpart 8-5. Drug-Free Workplace Policy.

**Sec. 8-808. Student Policies and Sanctions.**

(1) Individual Students. Consistent with State and Federal Law, the University prohibits the unlawful manufacture, distribution, dispensation, possession or use of alcohol and other drugs. The University also places limitations on the use and possession of alcohol on campus, above and beyond legal standards. Individual students who are found in violation of University policies, guidelines, or expectations with regard to alcohol and other drugs are subject to discipline, pursuant to established University procedures.

(2) Student Groups. Student organizations are expected to follow all guidelines outlined in the Registered Student Organization Handbook. A violation of University policies, guidelines or expectations can result in both individual and group discipline, pursuant to established University procedures.

Sec. 8-809. **Policy Distribution**. This Policy on Alcohol and Other Drugs shall be distributed to every University employee and student and shall be available on the world wide web, through the Ferris State University home page [www.ferris.edu].

Sec. 8-810. **Biennial Review Process**. Every two years, this subpart 8-8 shall be reviewed for its effectiveness, the need for change, and the consistent enforcement of related policies.

*Cross-Reference:*

Student Affairs Policy Letter, *Code of Student Community Standards*

Human Resources Policies and Procedures, *Alcohol and Other Drug Use*

*Prior Board Action:*

Entire Subpart 8-8 included in October 19, 2001 Codification, Phase I.

Entire Subpart 8-8 included in October 22, 2004 Codification, Phase II.

## APPENDIX E- FERRIS STATE UNIVERSITY BOARD OF TRUSTEE DRUG FREE WORKPLACE POLICY

### SUBPART 8-5 DRUG-FREE WORKPLACE POLICY

**Sec. 8-501. Statement of Principles.** Consistent with State and federal law, the University will maintain a workplace free from the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, as defined under the Controlled Substances Act.

*Statutory Reference:*

Controlled Substances Act, 21 USC §812

**Sec. 8-502. Prohibition of the Unlawful Manufacture, Distribution, Dispensation, Possession or Use of Drugs or Narcotics.** The unlawful manufacture, distribution, dispensation, possession or use of drugs or narcotics is prohibited on any property under the control of and governed by the Board, and at any site where work is performed by individuals on behalf of the University.

**Sec. 8-503. Disciplinary Action.** Pursuant to applicable University procedures governing employee discipline, any employee involved in the unauthorized use, sale, manufacturing, dispensing or possession of legal or illegal drugs or narcotics on University premises or work sites, or working under the influence of such substances, will be subject to disciplinary action up to and including dismissal.

**Sec. 8-504. Requirement of Notification Regarding Criminal Drug Statute Conviction.** An employee who is convicted under any criminal drug statute for a violation occurring in the workplace must notify the University no later than five (5) days after such conviction. Failure to provide such notice will subject the employee to dismissal. The employee shall notify his/her immediate supervisor, who will report the incident to the Office of Human Resource Development.

**Sec. 8-505. Prevention of Substance Abuse.** The University supports programs aimed at the prevention of substance abuse by University employees. The University shall make its counselors available to University employees who have problems relating to substance abuse. Such counseling is confidential, to the extent permitted by law, and unrelated to performance appraisals. Leaves of absence to obtain treatment may be obtained under the sick leave or medical leave provisions of the appropriate labor contract or policy.

*Cross Reference:*

Subpart 6-5. Leaves of absence.

**Sec. 8-506. Implementation of this Subpart.** The President is authorized and directed to immediately implement this subpart and to take such other action as may be required to comply with the Drug-Free Workplace Act of 1988 and administrative rules issued pursuant to that act. The University's Department of Human Resources shall be responsible for



administering policies and procedures governing this subpart. Such policies and procedures shall be issued by the Vice President for Administration and Finance and approved by the President.

*Statutory Reference:*

Drug-Free Workplace Act of 1988, 41 USC §701

**Sec. 8-507. Applicability of this Subpart.** This subpart applies to all University employees, including but not limited to faculty, academic staff, support staff and student employees.

*Cross Reference:*

Human Resources Policies and Procedures, *Alcohol and Other Drug Use*

*Prior Board Action:*

Entire Subpart 8-5 included in October 19, 2001 Codification, Phase I.

Entire Subpart 8-5 included in October 22, 2004 Codification, Phase II.

## APPENDIX F- FERRIS STATE UNIVERSITY BOARD OF TRUSTEE POLICY ON STUDENT COMMUNITY STANDARDS

### SUBPART 5-2 STUDENT COMMUNITY STANDARDS – GENERAL

**Sec. 5-201. Statement of Principles.** The University exists to afford quality educational programs and experiences for the benefit of the students and communities it serves. In order to operate effectively, the University community requires a system of order in which its members, including the faculty, students, administration and staff, support the educational functions and objectives of the University. It is the responsibility of each member of the University to promote standards of personal integrity that are in harmony with the educational mission of the institution.

**Sec. 5-202. Responsibilities of Students.** As members of the University community, students are expected to respect and value the rights of others, to support the academic environment, and to encourage the proper use of University facilities. Students are expected to observe national, State, and local laws as well as University rules, regulations, and policies. At the same time, the University reaffirms its traditional support of freedom of speech, freedom of inquiry, and freedom to dissent.

**Sec. 5-203. Student Rights.** Due process of law will be afforded to all University students when charged with violating a University policy or regulation. In addition, University policies and procedures providing for the rights of students shall be established and set forth in a Code of Student Community Standards.

**Sec. 5-204. Victim's Rights.** To ensure fairness to victims throughout the student disciplinary process, University policies and procedures providing for the rights of victims shall be established and set forth in a Code of Student Community Standards.

**Sec. 5-205. Student Misconduct.** The University may discipline a student for academic misconduct. Academic misconduct is any activity that tends to undermine the academic integrity of the institution. The University may discipline a student for acts of reported personal misconduct which occur on University property or at a University sponsored function. The University may discipline a student for acts of reported personal misconduct that are not committed on University property if the acts arise from University activities that are being conducted off the University campus, or if the misconduct undermines the security of the University community or the integrity of the educational process. In addition, University policies and procedures relating to student misconduct shall be established and set forth in a Code of Student Community Standards.

**Sec. 5-206. Alcohol and Other Drugs.** The University shall establish and set forth in a Code of Student Community Standards a comprehensive approach to dealing with issues related to alcohol and other drugs, which shall pertain to all activities on University property, University sponsored activities, and to off-campus activities (social or otherwise) sponsored by students, organizations, or individuals associated with the University.

*Cross-Reference:*

Subpart 8-8. Policy on Alcohol and Other Drugs.

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**Sec. 5-207. Code of Student Community Standards.** The University's Division of Student Affairs shall be responsible for establishing, maintaining and administering a Code of Student Community Standards, which shall include policies, principles, and procedures regarding *Student Rights, Misconduct, Victim's Rights, Policies on Alcohol and Other Drugs, Judicial Procedures*, and other policies and procedures regarding student rights and responsibilities. The Code of Student Community Standards shall be issued by the Vice President for Student Affairs and approved by the President.

*Cross-Reference:*

Student Affairs Policy, *Code of Student Community Standards*

*Prior Board Action:*

October, 1999.

Entire Subpart 5-2 included in October 19, 2001 Codification, Phase I.

Entire Subpart 5-2 included in October 22, 2004 Codification, Phase II.

## APPENDIX G- FERRIS STATE UNIVERSITY 2019 NCHA EXECUTIVE SUMMARY

Below is an excerpt from the 2019 National College Health Assessment, Section II. Findings, Part E. Alcohol, Tobacco, and Other Drug Use

### E. Tobacco, Alcohol and Marijuana Use

Reported use versus perceived use - reported use for all students within the past 30 days compared with how often students perceived the typical student on campus used substances within the same time period. The last line of each table combines all categories of any use in the last 30 days.

#### Cigarette

Percent (%)	Actual Use			Perceived Use		
	Male	Female	Total	Male	Female	Total
Never used	64.4	77.1	74.2	11.3	5.7	7.4
Used, but not in the last 30 days	21.8	16.0	17.3	11.8	8.3	9.1
Used 1-9 days	7.6	3.3	4.3	44.3	39.0	40.3
Used 10-29 days	2.7	1.1	1.5	18.6	21.9	21.2
Used all 30 days	3.6	2.5	2.7	14.0	25.1	22.0
<i>Any use within the last 30 days</i>	13.8	6.9	8.5	76.9	86.0	83.5

#### E-Cigarette

Percent (%)	Actual Use			Perceived Use		
	Male	Female	Total	Male	Female	Total
Never used	56.9	73.5	69.5	7.8	4.6	5.6
Used, but not in the last 30 days	21.3	13.2	15.0	5.9	2.7	3.6
Used 1-9 days	10.7	5.5	7.0	26.0	25.0	25.3
Used 10-29 days	2.2	2.4	2.4	31.1	28.7	29.0
Used all 30 days	8.9	5.3	6.1	29.2	39.0	36.5
<i>Any use within the last 30 days</i>	21.8	13.2	15.5	86.3	92.7	90.8

#### Tobacco from a water pipe (hookah)

Percent (%)	Actual Use			Perceived Use		
	Male	Female	Total	Male	Female	Total
Never used	73.8	86.6	83.6	18.6	11.5	13.3
Used, but not in the last 30 days	22.7	12.0	14.4	24.0	17.0	18.4
Used 1-9 days	3.6	1.3	1.9	46.2	52.0	51.1
Used 10-29 days	0.0	0.1	0.1	7.7	12.6	11.2
Used all 30 days	0.0	0.0	0.0	3.6	6.9	5.9
<i>Any use within the last 30 days</i>	3.6	1.4	2.0	57.5	71.5	68.2

## Alcohol

	Percent (%)	Actual Use		
		Male	Female	Total
Never used		19.1	16.8	17.7
Used, but not in the last 30 days		12.4	19.0	17.3
Used 1-9 days		50.2	51.2	50.9
Used 10-29 days		14.7	11.9	12.4
Used all 30 days		3.6	1.1	1.7
<i>Any use within the last 30 days</i>		68.4	64.2	65.0

Perceived Use		
Male	Female	Total
3.2	2.1	2.6
2.3	0.9	1.3
34.8	29.2	30.9
42.1	47.9	46.0
17.6	19.9	19.2
94.6	97.0	96.1

## Marijuana

	Percent (%)	Actual Use		
		Male	Female	Total
Never used		53.3	63.9	61.5
Used, but not in the last 30 days		24.0	20.4	21.1
Used 1-9 days		11.1	9.2	9.8
Used 10-29 days		5.8	3.3	3.8
Used all 30 days		5.8	3.3	3.8
<i>Any use within the last 30 days</i>		22.7	15.7	17.3

Perceived Use		
Male	Female	Total
5.4	4.7	5.2
5.4	2.9	3.5
40.7	33.2	35.4
31.2	36.1	34.6
17.2	23.1	21.3
89.1	92.4	91.3

## Drinking and Driving

■ 1.1 % of college students reported driving after having **5 or more drinks** in the last 30 days.\*

■ 22.8 % of college students reported driving after having **any alcohol** in the last 30 days.\*

\*Students responding "N/A, don't drive" and "N/A don't drink" were excluded from this analysis.

Estimated Blood Alcohol Concentration (or eBAC) of college students reporting 1 or more drinks the last time they "partied" or socialized. **Students reporting 0 drinks were excluded from the analysis.** Due to the improbability of a student surviving a drinking episode resulting in an extremely high eBAC, all students with an eBAC of 0.50 or higher are also omitted from these eBAC figures. eBAC is an estimated figure based on the reported number of drinks consumed during the last time they "partied" or socialized, their approximate time of consumption, sex, weight, and the average rate of ethanol metabolism.

Estimated BAC	Percent (%)	Male	Female	Total
< .08		73.5	76.8	76.0
< .10		80.2	83.0	82.3
Mean		0.06	0.05	0.05
Median		0.03	0.03	0.03
Std Dev		0.07	0.07	0.07

Reported number of drinks consumed the last time students "partied" or socialized. Only students reporting one or more drinks were included.

<b>Number of drinks*</b>	<b>Percent (%)</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
4 or fewer		45.1	67.7	61.7
5		9.8	12.4	11.5
6		10.4	7.8	8.4
7 or more		34.8	12.0	18.3
Mean		5.96	3.97	4.52
Median		5.00	3.00	3.00
Std Dev		5.01	2.98	3.84

\* Students reporting 0 drinks were excluded.

Reported number of times college students consumed five or more drinks in a sitting within the last two weeks:

	<b>Percent (%)</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
N/A don't drink		22.7	23.3	23.6
None		33.8	50.1	45.8
1-2 times		32.0	21.3	23.9
3-5 times		8.4	4.4	5.3
6 or more times		3.1	1.0	1.5

Percent of college students who reported using prescription drugs that were not prescribed to them within the last 12 months:

	<b>Percent (%)</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Antidepressants		3.6	5.0	4.6
Erectile dysfunction drugs		0.9	0.7	0.8
Pain killers		4.0	5.1	4.8
Sedatives		1.8	3.0	2.6
Stimulants		9.3	8.5	8.7
<b><i>Used 1 or more of the above</i></b>		14.2	15.9	15.4



College students reported doing the following *most of the time* or *always* when they "partied" or socialized during the last 12 months:\*

	<b>Percent (%)</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Alternate non-alcoholic with alcoholic beverages		31.5	44.6	41.0
Avoid drinking games		32.5	41.0	38.6
Choose not to drink alcohol		19.3	29.0	26.7
Determine in advance not to exceed a set number of drinks		31.0	48.5	43.6
Eat before and/or during drinking		78.7	85.0	83.1
Have a friend let you know when you have had enough		28.8	48.6	43.5
Keep track of how many drinks being consumed		55.9	73.4	68.8
Pace drinks to one or fewer an hour		24.4	44.4	39.5
Stay with the same group of friends the entire time drinking		84.7	93.8	91.0
Stick with only one kind of alcohol when drinking		54.4	62.1	59.6
Use a designated driver		83.1	92.3	89.8
<b><i>Reported one or more of the above</i></b>		98.9	98.1	97.8

\*Students responding "N/A, don't drink" were excluded from this analysis.

College students who drank alcohol reported experiencing the following in the last 12 months when drinking alcohol:\*

	<b>Percent (%)</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Did something you later regretted		26.6	31.4	30.4
Forgot where you were or what you did		30.4	27.2	27.9
Got in trouble with the police		3.6	2.1	2.5
Someone had sex with me without my consent		0.6	3.8	2.9
Had sex with someone without their consent		0.0	0.2	0.3
Had unprotected sex		24.9	23.9	24.0
Physically injured yourself		17.2	13.3	14.0
Physically injured another person		1.2	2.1	2.0
Seriously considered suicide		5.9	5.1	5.3
<b><i>Reported one or more of the above</i></b>		52.1	49.6	50.3

\*Students responding "N/A, don't drink" were excluded from this analysis.